Acta Sanctae Sedis

Acts of the Holy See

Holy See; Vatican

An English translation of the Latin edition
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[*Latin ed. p. 1*]

A COMPENDIUM OF THE ACTS OF THE HOLY SEE, CONVENIENTLY ARRANGED AND ILLUSTRATED, COMPILED AND EDITED BY VICTOR PIAZZESI, DOCTOR OF BOTH LAWS, OR, The Acts, juridical and more solemn, emanating directly from the Supreme Roman Pontiff: these are acts which are publicly promulgated, whether they be Decrees, or Instructions, or Responses, or other similar matters; especially, the expositions and resolutions of cases from the various Sacred Congregations, by Cardinals, carefully compiled to contribute to the accurate understanding and observance of ecclesiastical law; and finally, other juridical matters, by which those things which may present difficulty in the aforementioned acts are suitably explained, or which further contribute to the knowledge of the existing law: for the benefit of those who diligently strive to understand the laws of the Church, and in the governance of Christian flocks, or in maintaining the Lord's vineyard.

ROME, FROM THE PRINTING PRESS OF THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 1902-1903.

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[*Latin ed. p. 3*]

3. FROM THE HOLY CONGREGATION OF THE COUNCIL OF LUCANIA, concerning the exemption of the Seminary, dated January 24th and July 19th, 1902, Session 23, Chapter 1, Regarding Reforms: In the city of Lucania, the parish and regular church dedicated to Saint Michael in the forum, was erected as a collegiate church by Pope Leo X the Most Holy, in the year 1518, with the granting of the privilege of exemption, in these words: "And that the Church of Saint Michael and all its goods, as well as the Dean, Canons, Chaplains, Clerks, and all other persons of the same Church of Saint Michael, both in benefices, spiritual matters, criminal matters, civil matters, or quasi-civil matters, and in all other causes, even by reason of a crime... are entirely and completely exempt from the local Ordinary and from all other persons, whether acting with ordinary, delegated, or mixed authority, as judges and persons exercising jurisdiction; and then the Dean shall be subject only to the aforementioned See, while the Canons, Chaplains, Clerks, and the aforementioned persons and their families shall be subject only to the Dean and the aforementioned See in all respects."

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Such exemption was repeatedly confirmed by Leo X and by the Popes who succeeded him, namely by Paul III on November 12th, 1535, and by Pius IV on January 6th, 1559. However, in the records, there is only the text which I have presented above from the Bull of Leo X; and the Dean claims for himself all kinds of exemption, not only from the jurisdiction of the external forum, but also from the jurisdiction of the internal forum, or from the local parish priest. Sixtus V, in the year 1588, added a Seminary to the collegiate church, which, even today, is called Saint Michael, for the purpose of training clerics who would be added to its service.

COMPENDIUM OF FACTS. III.

[*Latin ed. p. 4*]

4. FROM THE DECREES OF THE CHURCH COUNCIL. From its very foundation, this Seminary has possessed a unique characteristic: it was established within its own buildings, yet the students did not live a communal life there. Rather, within those buildings were located the gymnasia, academies, and oratory, which the clerical students attended at fixed hours. These students lived separately, for sustenance and lodging, with private citizens. Since this way of life was not particularly conducive to the formation of the Clergy, especially in our time, in 1873, the Moderator of the Seminary began to receive twelve students into his own home, not within the Seminary itself. This proved successful, and therefore, the number of clerics living in common with the Moderator gradually increased. Furthermore, in order that the students might more easily access the buildings of the Seminary, which were located near the Collegiate Church of Saint Michael, the Moderator, Fanucci, transferred himself and the clerics from the parish of Saint Frediano, where he had previously resided, to the parish of Saint Michael in 1881. Finally, the present Dean, in 1898, abandoned the old Seminary building and established within the spacious Palazzo Manzi, located within the boundaries of the parish of Saint Mary Forisportam, not only the gymnasia and oratory, but also the Seminary lyceum, and, for the first time, a permanent and communal residence for the Clergy. From this arose the present controversy. For the parish priest of Saint Mary Forisportam considered himself to have jurisdiction over the students and all those residing in the Seminary, and attempted to perform parochial duties, as he did on the occasion of the blessing of homes on Holy Saturday in 1899. But the Dean objected, asserting that the Seminary enjoys immunity from the local parish priest, because when the Collegiate Church was granted this immunity, the Seminary, as an accessory, also enjoys this right; and Leo XII, in his letters after restoring the Seminary at the beginning of the 19th century, which had been overthrown due to the subversion of public order, I say, Leo XII, in his letters, indicated that the Seminary would

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be governed by the Dean.

[*Latin ed. p. 5*]

LUCANA 5, after considering the canonical laws and the matter at hand, adds: "Since the canons themselves are presently unable to provide any assistance to the Seminary, they certainly agree with our decision, as we have decided to appoint one of their number, namely the Dean, to the highest office within that Seminary, and we wish that he should enjoy ordinary jurisdiction there." The extent of this immunity that the Dean possesses is derived from the founding bull of Leo X, which states: "That the Church of St. Michael and all its goods... are entirely and completely exempt from the local Ordinary and from all others exercising either ordinary, delegated, or mixed authority..." Therefore, the Dean infers that the Seminary, being exempt from the local Ordinary, or Bishop, and also, in general, from delegates of the Holy See, is not subject to the local parish priest. For in this way, the Seminary is placed under the authority of the local Ordinary, to whom the parish priest is subject; since the parish priest cannot perform anything that the Ordinary himself cannot perform. Referring to De Prosperis - On Exempt Places - to Decision 24, no. 31, which cites two decisions of the Roman Rota, one of December 29, 1596, and the other of June 1, 1708, he comments as follows: "No person or office can exercise ordinary jurisdiction over that place, over that person who is protected under the auspices of St. Peter and the Holy See." Also: "Exemption is equated with not being subject to anyone." Ricci, Decisions of the Archdiocesan Court of Naples, p. 1, Decision 168, no. 12: "An exempt place and a place outside the diocese are judged to be the same." Roman Rota, Decision 107, no. 3. Furthermore, the Dean observes that religious orders are exempt from the authority of the local Ordinary, and consequently, from the parish priests of those places. To alleviate the difficulty raised by the parish priest, stemming from the fact that the parish priests have exercised jurisdiction over the clerical students while they were living separately or while they were living a communal life in the parish of St. Fredian, or in the "parish..."

[*Latin ed. p. 6*]

6. From the decree of the Most Holy Council of St. Michael, the Dean states that, at that time, the students were rightfully subject to the jurisdiction of the parish priests, since they lived separately outside the Seminary building. However, once the common life of the clergy was established within the Seminary, they obtained an exemption which belongs to the Seminary itself. These are the words of the Dean, who notes that the Seminary building has truly always enjoyed an exemption from the local parish priest, even though he speaks of the parish priest of St. Michael and says: "Therefore, the ancient location of the Seminary of St. Michael is now represented by this new location, which is situated within the boundaries of the

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parish of St. Michael Forisportam. For the sake of clarity, it is true that the local parish priests exercised their parochial jurisdiction in the two rectories of Nannini and Fanucchi, but these were not the Seminary, although they were the private residences of two Rectors. Certainly, it is not claimed that the houses belonging to St. Michael (whether they be occupied by Canons, Beneficiaries, Seminarians, or superiors of the Seminary) are exempt from the jurisdiction of the local parish priests; this is not stated in the Bull of Leo X, but the goods belonging to the Collegiate Church are exempt, and this is stated in the Bull: 'And that the Church of St. Michael and all its goods... are entirely and completely exempt from the local Ordinary and from all others, whether with ordinary, delegated, or mixed authority, etc.'" On the other hand, the parish priest of St. Mary Forisportam points out that, certainly, the custom is to have the seminarians assist, because the parish priests have always exercised their jurisdiction over the clerical students, whether they are living separately or are gathered in the Seminary. Then, he notes that the privilege of exemption is not observed unless it is clearly proven, since the contrary is in accordance with common law, or with the Council of Trent in Session 23, chapter 18, concerning reforms, which ordered that Seminaries be subject to the local Ordinaries. Furthermore, the parish priest recalls a certain case concerning the Seminary, which was brought before the Sacred Congregation of Extraordinary and Regular Affairs on September 3, 1864, when the Regular Clerics claimed full immunity, even with regard to parochial duties, within the Seminary buildings erected for their benefit.

[*Latin ed. p. 7*]

In LUCANA, the most eloquent arguments have been presented, nevertheless, the Pontiff, rather than merely recognizing this privilege, has newly granted it, albeit with certain limitations, namely: "The Holy See approves, according to the petitions, the exemption of both the Seminary and the annexed Church... while preserving for the parish priest the customary fourth of the funeral expenses in the event of the death of students, etc." Furthermore, the parish priest argues that the express decree of the concession should be invoked to establish the disputed immunity, based on the actions of Pius IX, who, in the Constitution *Cum Romani* of the year 1853, clearly stated that both the Roman Seminary and the Pontifical Seminary are exempt from the jurisdiction of any parish priest. In this regard, the parish priest notes that the immunity of the Seminary pertains only to the Dean himself moderating the Seminary, both in the administration of goods and in matters of literature, philosophy, and the ordering of sacred disciplines, but that such immunity does not extend to parochial duties, because nowhere is this stipulated. He also argues that the immunity cannot be invalidated on the grounds that the Seminary is attached to the Collegiate Church of St. Michael, because, he says, the immunity of canons

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and others must be understood as pertaining to the judicial forum, namely, in beneficial, spiritual, criminal, civil, and all other cases, according to the Bull of Leo X, and he concludes: "But this exemption has nothing to do with parochial jurisdiction. Saving the right of burial in their own church, the Canons are parishioners of the parishes in which they have domicile, and it has never happened that they have received the sacraments from the parish priest of St. Michael, or from anyone of their College, or from someone designated by them, excluding the local parish priest. The jurisdiction of the Dean and the exemption of him and the Collegiate Church from the local Ordinary does not extend to the care of souls, for which the Seminary of St. Michael, as decided by the Holy See, the Dean and the Canons are subject to the Diocesan Ordinary."

OFFICIAL OBSERVATIONS. In my role, I offer some observations on both sides of the issue.

[*Latin ed. p. 8*]

8. From the exemption of the Seminary of Saint Michael by the Sacred Congregation of Councils, another matter was discussed before the Sacred Congregation of the Holy See. For, as the rotating Sacred Congregation of the Holy See's Treasury of Resolutions indicates, on March 15th and May 29th, 1852, a controversy between the Archbishop and the Decanal Seminary concerning the Seminary's exemption from the Archbishop's jurisdiction was discussed and resolved by the Sacred Congregation of the Holy See; and the Sacred Congregation of the Holy See's rescript clearly affirmed the Seminary's exemption. For, after posing certain questions, in Lucania, the following were considered: I. Whether the students of the Decanal Seminary are subject to the laws and mandates of the diocesan Bishop in any case. II. Whether the diocesan Bishop can exclude these students from his diocese and from the Orders, if they do not obey his laws and mandates, whenever such obedience is required by the Holy Canons and especially by the Council of Trent in any case. And, if the answers are negative, III. Whether, except for the examination before the Ordinary, the judgment regarding the other conditions respectively necessary for receiving the Orders, especially concerning doctrine and morals, pertains to the Archbishop, or rather to the Dean in any case; IV. Whether and in what number students should be admitted into the same Seminary, independently of the Archbishop's authority in any case; V. Whether, besides the schools of Grammar and Music, institutions of higher and sacred disciplines can be established in the same Seminary in any case. The Sacred Congregation responded on March 13, 1852: - To the first question, entirely and infallibly affirmative. After re-proposing the same questions, the Sacred Congregation responded: To the first question - Negatively, except for the provisions of the Council of Trent concerning the exempt. To the second question - Provided for in the first. To the third question - Affirmative regarding

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the first part, negative regarding the second part. To the fourth question - At the discretion of the Dean. To the fifth question - Affirmative, on May 29, 1852. Furthermore, in the file of this case, two matters are mentioned which are of the greatest importance. First, it is noted that the Bull of Leo X granting the exemption included the clause: "sublata irritantem contrarias consuetudines" (abolishing any customs that would invalidate it). Second, it is mentioned that, formerly, a doubt arose as to whether the Dean would be the Ordinary in the aforementioned Church, and under the date...

[*Latin ed. p. 9*]

On September 25, 1667, a special Congregation, established by the authority of Clement IX, issued a response stating: "The Dean in the aforementioned Collegiate Church... and over the persons and goods therein, is the Ordinary... so that he holds ordinary jurisdiction in the same Church and over its goods... as well as over the canons and all other persons therein." It appears most evident from the manner in which the aforementioned response of the Sacred Congregation is related that such a right of exemption also includes the Seminary established by Sixtus V and restored by Leo XII. The present question, however, pertains to whether this exemption extends to the students of the Seminary, and whether it also affects parochial rights. Furthermore, an exemption from the jurisdiction of the Archbishop could be understood only in terms of external affairs or external governance, and certainly not in terms of the pastoral jurisdiction of the internal forum, which is exercised both by the Archbishop and by the parish priest within the internal forum. It is helpful to recall that, concerning the rights of exemption, Benedict XIV, in *De Synodo*, book II, chapter 11, section 2, distinguishes three species of inferior prelates, which he describes as follows: "The first are those who preside over a certain class of persons existing within the confines of a Church, monastery, or convent, with a passive exemption from the jurisdiction of the Bishop. Such are the Superiors Regular and certain secular prelates who, together with the Church, and with the clergy and administrators of that Church to whom they are assigned, are immediately subject to the Roman Pontiff. The second species are prelates who have active jurisdiction over the clergy and people of a certain place, which place is nevertheless within the diocese of the Bishop, and is therefore surrounded by it. And such prelates are improperly and in a broad sense of speaking called 'Nullius.' The third species are prelates who have active jurisdiction over the clergy and people of a certain place or town, or of several places and towns, which are entirely detached and separated from any bishop's diocese." However, it is a well-established fact that the Dean of the Church of St. Michael belongs to the first of these classes. By virtue

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[*Latin ed. p. 10*]

10. From the decrees of the Council concerning passive communion, it is understood that the power granted to the Bishop pertains to a quasi-episcopal jurisdiction, namely, ordinary jurisdiction in both forums, concerning a certain class of persons residing within the confines of a particular Church, and not concerning the clergy and people living outside those confines, as is observed in the case of the superiors of regular orders. Indeed, it is evident in this very matter, and it must be carefully noted. For although the Letters of Privilege of exemption state: "The Dean is subject only to the Holy See, while the canons, chaplains, and clergy are subject only to the Dean and to the aforementioned Holy See in all things," nevertheless, because they do not usually reside within the confines of the Church, both the Dean and the individual canons and chaplains were subject to the jurisdiction of the parish priests in whose parishes they established their residence, as testified by the Dean in the aforementioned observations. Furthermore, *De Prosperis De territorio separato*, question 7, number 4, teaches: "Moreover, privileges of exemption do not exempt monasteries and other ecclesiastical places, nor their members, from military camps with their clergy and people; therefore, they do not constitute a separate territory, but those who are exempt are said to have jurisdiction only over the persons present within the confines of the monasteries, and not over the places, according to chapter 9 of the title *De privil.*, section 6." However, there is a fourth type, namely, those prelates who possess a quasi-episcopal jurisdiction over the persons subject to them, which they exercise wherever those persons may be; and such are the military chaplains, for example, in Austria and in Spain. But this type certainly does not apply to the Dean of St. Michael's; for neither is this personal jurisdiction granted in this Bull, nor has it ever been put into effect, as I have pointed out. Furthermore, it is clear that the Dean has not been granted this jurisdiction over the students of the Seminary, as is evident from the Bulls of Institution, or of Sixtus V, or of Leo, which Popes granted full ordinary jurisdiction, free from the power of the Bishop, to the Seminary when the Bishop was not exercising it, nor would he exercise it.

[*Latin ed. p. 11*]

The Dean could not interfere with the students of the Seminary, insofar as they did not live a common life within the confines of the Seminary. From this, the parish priest argued before Saint Mary's at the Gate, contending that the Seminary's exemption should not restrict his authority regarding its ordination, governance, discipline concerning studies, and other matters necessarily connected with the disciplines, whether profane or ecclesiastical, taught within the Seminary; rather, such an exemption

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should not extend to the parish priest's duties concerning the Seminary's clerical students, whether they lived separately or were gathered in a community with the Seminary's director. It seems that the possibility of reconciling a place's exemption with the parish priest's right to exercise his parochial rights over persons who, for one reason or another, do not enjoy this exemption, can be deduced from a certain case in Vienne concerning a house belonging to the Commander of the Teutonic Order, and inhabited by him. When controversies arose between the parish priest of Saint Stephen, within whose parish the Commandery was located, and the Commander, regarding the right to administer the Sacraments and other parochial rights within the walls of the aforementioned Commandery, the following questions were proposed: I. To whom does the right belong to administer the Sacraments and to exercise other parochial rights within the house and within the walls of the Commandery of the Holy Order of Teuton in the City of Vienne, both with regard to the Commander's family and with regard to the subjects, vassals, and tenants of the Commandery and other inhabitants of the same house, in such a case? And, to the extent that the answer is affirmative, with respect to the parish priest, concerning mere tenants? II. Is the parish priest obliged to request permission from the Commander for a time to enter the house and the walls of the Commandery, and there to administer the Sacraments and to exercise other parochial rights to those same tenants, in such a case? The Sacred Congregation of Councils, on July 13, 1725, responded: Regarding the first question, it pertains to the parish priest with regard to the tenants and with regard to the others; it is to be reported to the Nuncio and to the Archbishop, according to the Instruction. Regarding the second question, negatively. However, the students of the Seminary, who are merely living there, are, in truth, like tenants to the parish priest, because...

[*Latin ed. p. 12*]

12 FROM THE DECREES OF THE COUNCIL. Those who, as previously stated, had rented another house with the Moderator, now reside in the new building of the Seminary, which is, indeed, more spacious. It is certainly beyond doubt that the Dean has never exercised, nor does he now intend to exercise, pastoral care over his *clergy, whether canonical or otherwise, except to the extent that it is necessary, because the house of the Seminary is exempt. However, it must be noted that the exemption of the Seminary was granted and confirmed by the Holy Pontiffs, and is separate from pastoral care. From its inception until these recent years, the Seminary has been exempt, but in its nature, separate from the community of students; therefore, such a Seminary ought to be called its own academy or lyceum, destined for the instruction of clerics. Therefore, if today the Dean claims full, quasi-episcopal jurisdiction over the clerics, and from this also over the care of souls, he is appealing to his ordinary jurisdiction, acquired

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through the Bull of Leo X, and protected by the clause *sublata* against contrary customs. Nevertheless, it must be reiterated that this jurisdiction is to be exercised only within the walls of the Church, as the Canonici Lateranenses exercised it, and as the Deans and Canons of the Collegiate Church of Saint Michael were assisted, as the documents state. Therefore, it must be considered whether these clerics can be said to have entered the walls of the Church; because the Seminary is a part and an accessory of the exempt Church, and the accessory follows the principal. But we are dealing with a delicate matter, because we are speaking of the privilege of exemption, so let us concede that the Dean is the ordinary of his Canons and Clergy, and that this jurisdiction has not been extinguished by non-use, because of the *sublata* clause which invalidates it; and let us assume that the clerics have not administered parochial jurisdiction, since the Dean cannot unite them in the seat of the Seminary; and thus, time has not passed without impediment: nevertheless, no one fails to see that the matter is beset by many difficulties, and perhaps the right is in doubt.

[*Latin ed. p. 13*]

In the matter of LUCANA 13, the privilege appears to have prevailed. Indeed, a new case is observed, which neither the Pontiffs granting the right of exemption had before their eyes, nor had they intended, as seen in *s serere* 1, cited above. Therefore, the decision of the Most Holy Congregation of the Eastern Churches and the Regular Canons, already cited, of September 3, 1864, came to mind, in a case with a similar circumstance. There was a building in the town, along with a public temple, which the local municipality had constructed for the use of Regular Clerics and had irrevocably donated to them. With the suppression of the Regulars, it was granted for the use of the diocesan seminary, and the local parish priest exercised his parochial rights therein. The Regulars, being restored to their former status, were asked by the Bishop some time later to take over the care of the seminary, and acting accordingly, they inhabited the same building, numbering twelve, and undertook the administration and direction of the seminary. However, since the local parish priest had previously exercised his parochial rights, specifically the right to administer the sacraments, to perform funerals, and to bless the seminary on Holy Saturday, he did not suffer any impediment to the exercise of these rights with the arrival of the Regular Clerics, and he formally raised the question with the Most Holy Congregation of the Eastern Churches and the Regular Canons. The matter was carefully discussed from both sides; and since the Regulars did not sufficiently demonstrate their intention to act against the parish priest, the Superior General requested that the question be decided with the permission of the Pontiff, who responded in this manner: "The Most Holy Father approves, according to the request, with the exemption of both the seminary and the church annexed to it from the jurisdiction of the

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parish priest, saving, however, the favor of the parish priest to administer the last sacraments in the case of the death of students and those serving in the seminary, provided that they reside within the confines of the same seminary." As is evident from the response, consideration was given not only to the students, but also to lay people serving in the seminary; and this must also be taken into account in this matter, especially because the natural jurisdiction of the Dean is more difficult to apply to such persons. Finally, it is worth noting that the Dean readily grants the parish priest the right to bury and perform funeral rites; for he says in his book:

[*Latin ed. p. 14*]

14 FROM THE DECREES OF THE COUNCIL: "We do not intend to uphold this last claim, either because it is not in question, or because the Seminary does not have its own cemetery; if, however, the cemetery belongs to the Church of Saint Michael, and therefore it could be questioned whether the right to bury and inter those who die in the Seminary belongs to the parish priest of Saint Mary, or to that of Saint Michael." In truth, as the Dean himself states, all members of the clergy were granted the right of burial in the Church of Saint Michael. On January 24, 1902, in response to a request for information: "Does it appear that the Decanal Seminary is exempt from the jurisdiction of the parish priest of Saint Michael, Forisportam, in the case [in question]?" The Sacred Congregation responded: "The matter should be examined and the Archbishop heard." I consulted with the Most Reverend and Reverend Fathers, and I inquired of the Archbishop, who sent a letter dated February 19, 1902, and, noting that he served the aforementioned Dean in his role as Auxiliary, stated: "Therefore, it is very difficult for me to express my opinion regarding the dispute between the aforementioned Seminary and the parish priest of Santa Maria, Forisportam, where it is located. I therefore dare to humbly request that I be excused from commenting on such a matter." The Dean, in the observations presented, with a flowing pen, first discusses the nature and extent of the privilege of exemption, and recalls the following words from the Constitution of Leo X, dated June 21, 1518, which he then explains in interpretation. Indeed, in the first place, the words of the Constitution: "And that the Church of Saint Michael and all its property, as well as the Dean, Canons, Chaplains, Clerks, and all other persons of the same Church of Saint Michael, whether in benefices, spiritual matters, criminal matters, civil matters, or quasi-civil matters, or in any other cause, even by reason of a crime or quasi-crime, or by contract or quasi-contract, or in any matter in which it may be necessary to act, wherever the crime is committed, the contract is entered into, or the matter itself takes place, shall be entirely and completely exempt from the Ordinary of the place and from all other judges and persons, whether

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ordinary, delegated, or mixed, exercising authority..." and the Dean...

[*Latin ed. p. 15*]

"In Lucana, 15, hoc tantummodo dicendum est; Canonici vero, et Cappellani, et Clerici, et personae praedictae eorumque familiares Decano et Sedi praedictae tantummodo subiecti, quoad omnia." "Pontifex (animadvertit Decanus) terminat in fine hanc Bullam, muniendo eam clausula sublata et decreto irritante: Nos igitur ex tunc irritum decernimus et inane, si secus super iis a quocumque, quavis auctoritate, scienter vel ignoranter contigerit attentari. Nulli ergo hominum liceat hanc paginam Nostrae concessionis infringere." "Post Sacrum Concilium Tridentinum, iurisdictio et privilegia Decanalia inveniuntur confirmata a Pontefice Clemente IX in duobus Brevibus annorum 1667 et 1668." "Omnia haec privilegia et iurisdictio Decanorum deinde iterum confirmata sunt a Pio VII, per Breve die 15 Septembris 1818. — Omnia et singula privilegia a memoratis Praedecessoribus Nostris Collegiatae praedictae, ac nobis vestrisque successoribus vel generaliter vel specialiter concessa, confirmamus et approbamus." "Denique etiam Sacra Congregatio Clericorum die 3 Septembris 1825 declaravit quod Decanus Ecclesiae S. Michaelis eam regit iure ordinario: Leo XII in Brevi die 23 Maii 1826 dixit Decanum Ordinarium sui Cleri et Paroeciae." "Venientes deinde ad Seminarium in specie, praeter alia documenta, Pontifex Leo XII, per Breve die 23 Maii 1827, restituit Seminarium, postquam suppressum fuerat ab actionibus Revolutionis Gallicae, et Decanum posuit in capite dicti Seminarii." "Sed multo magis, plena et illimitata iurisdictio concessa Decanis, etiam in spiritualibus, et totalis exceptio ab Episcopali, apparentur ex Bulla Leonis X, et ex Brevi Clementis IX, in quibus dicitur Ecclesia S. Michaelis, bona et pertinenciae, necnon personae omnes loci Ordinario penitus et omnino exceptae, et proinde subiectae et subjecti Decano tantummodo, quoad omnia, et expressim dicitur etiam in spiritualibus." "Omnia haec sunt conformia etiam regulis iuris canonici."

[*Latin ed. p. 16*]

16. From the ninth decree of the Council, since inferior prelates who are exempt are ordinaries in their churches: Tamburini, *De iure Abb. et Praelat*, in *f. tom. U*, disp. 1, quest. 4. Cardinal De Luca, *De iurisdict*, disc. 102, n. 3 and 4. With these points established, the Dean argues that he possesses the power to exercise ordinary jurisdiction over all persons, whether canons, clerics, or seminary students, not only if these individuals are within the confines of the church, but even if they reside outside those confines. Therefore, the Dean observes: "Indeed, Pope Leo X states that the church and all its possessions are entirely and completely exempt: this is local exemption. He says even more: Canons, chaplains, clerics, and all other exempt persons are subject only to the Dean in all things: this is personal exemption from the diocesan and subjection to the Dean." "This

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is also demonstrated by reductio ad absurdum. Indeed, Pope Leo X, when establishing the aforementioned collegiate church, established a secular, not a regular, collegiate church. – By Apostolic authority, we suppress the priory, and within it, the Order of St. Augustine, and whatever pertains to the rule, and we perpetually erect the priory of that church into a secular and collegiate church" (Bull of Leo X). "Therefore, the Pope knew very well (and his successors knew it, who confirmed the jurisdiction and exemptions of which we are speaking) that all persons attached to the church of St. Michael, neither resided nor could reside within the confines of the church; otherwise, if canons, chaplains, clerics, and all the aforementioned persons had a common residence at the collegiate church, it would no longer be secular, but regular." "Despite this, the aforementioned Pope Leo X declared all the aforementioned persons to be entirely and completely exempt from the local ordinary, and subject only to the Dean in all things." "Now, assuming what is argued in favor of the parish priest of St. Mary, namely that the Dean can exercise his jurisdiction only within the confines [of the church], and not also outside [them],..."

[*Latin ed. p. 17*]

LUCCA, September 17th. Since all those assigned to St. Michael's are present within the precinct only for the service of the Church, as would be confirmed by the grant of Leo X, which declares these individuals entirely and wholly exempt from the Diocesan authority, and subject in all things only to the Dean? In reality, for the majority of the time, the individuals of whom we speak would be subject to the Archbishop, and only for a very short time to the Dean. In other words, the grant of Leo X would, in practice, amount to a grant that is illusory and derisory.

"Finally, the two propositions previously maintained, namely that the Dean has unlimited jurisdiction, even in spiritual matters, and that he has authority over those under him, both within the precinct and outside it, receive ample confirmation from the case brought before this Sacred Congregation between the Ordinary of St. Michael's and the Archbishop of Lucca, Monsignor Giulio Arrigoni; and from the judgment that concluded this dispute, issued on May 29, 1852."

"We earnestly implore you to carefully consider the cause of this dispute, and the reasons presented herein."

"Monsignor Giulio Arrigoni, Archbishop of Lucca, unwilling to recognize the total exemption of the Decanal Seminary, on May 8, 1850, issued a decree of the following tenor:

'Considering that the students of the Venerable Seminary of St. Michael's do not live collegially; considering it necessary to ensure our conscience regarding their admissions to the minor and major Orders; considering that, therefore, they must be under the supervision of the Deputies over the Clerics during all those hours when they are not engaged in the Seminary;

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we have decreed and do decree:

'Article I. From the date of this Decree, for all young men who present themselves to the Reverend Rector of said Seminary of St. Michael's to be received as students, notice must be sent to the Secretary of the Ordinands, so that he may assign them a Deputy.'

'Article III. All the aforementioned students, for all matters...'

[*Latin ed. p. 18*]

18 FROM THE HOLY GENERAL COUNCIL, that which pertains to the admission to the Orders, are declared subject to the current Regulation issued by the Monsignor Vicar General on the 12th of May, 1844, which We have confirmed in all its parts. "The deputation, of which mention is made in the aforementioned decree, is composed of some priests, who have the task of overseeing the life, customs, and conduct of the Clerics of the Diocese, who do not live in the Seminary, and to the oversight of this Deputation, Monsignor Arrigoni wished to subject even the Seminary students of St. Michael." "The Ordinary of the Collegiate Church of St. Michael immediately contradicted these claims, citing – with very extensive words, with which in his Bull, Leo X granted to the Dean a privilege of all kinds and universal exemption from the jurisdiction of the Archbishop, to his Canons and to all clerics – and from these, he argued – that this exemption was not real, but truly personal, and should be considered as such. And a little further on: – If the Archbishop were to argue, from the words found in the Bull of Leo XII, that the jurisdiction and exemption were merely local, it would not follow that the students of the Seminary of St. Michael are not exempt from the jurisdiction outside the boundaries of that exempt place: for the clerics of the Seminary of St. Michael, not only because they reside in the Seminary, or in the exempt place, are subject to the Dean, but because they are bound to the Church of St. Michael by the general privilege granted by the Bull of Leo X, they depend on the Dean –". "And the Holy Congregation, first giving reason to the Ordinary of St. Michael, to the questions: I. Do the students of the Deanery Seminary submit to the laws and mandates of the Diocesan Bishop in any case? II. Can the Diocesan Bishop exclude these students from his diocese and from the Orders, because they do not obey his laws and mandates? Responded: Negatively." "Now, from these answers, it is most certainly evident that the Holy Congregation considered the Seminary students of St. Michael to be exempt from the Diocesan authority, and instead dependent on the Dean in all things."

[*Latin ed. p. 19*]

LUCCA 19, even in spiritual matters, and not only when they reside within the walls, but also when they dwell outside. The present Dean endeavors to demonstrate that he has indeed exercised this jurisdiction over

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the students of his Seminary, presenting certain documents. "Finally, they attest to the custom, maintained by us, whereby the most distinguished ecclesiastics of Lucca, known for their knowledge and virtue, are involved." "Anthony Dell'Immagine, also a Canon of the Metropolitan Church and a visitor, elected by the Most Reverend Archbishop, also testifies that Monsignor Ghilardi, during his more than 25 years of episcopacy, never visited the Decanal Seminary, and he affirms the complete exemption of this Seminary from the Diocesan authority." On the other hand, the Dean more closely considers this right of exemption in relation to parochial rights, and observes: "But, let us suppose, even if the exemption from parochial jurisdiction is not explicitly mentioned in the cited Bull, this is nevertheless evident, both from the cited Pontifical documents, and from the resolution of this Holy Order of 1852, and from the constant and never-interrupted observance that both the Seminary of Saint Michael, and the seminarians, enjoy the broadest exemption (both local and personal), even in spiritual matters, from the local Ordinary, and that the correction of morals and the right of the Holy Pastoral Visitation, with regard to these, does not belong to the Diocesan authority, but to the Ordinary of Saint Michael. Moreover, an institution placed in these conditions, according to the teaching of the Doctors, is also exempt from parochial jurisdiction. Therefore, etc., etc." "Let us examine the lesser point. - 'Sublata et Ordinario,' it is read in the work of Scarfantonio Addici, 48, sub med.., even visitation and correction, which pertain more to the care of souls, is removed; also removed is any parochial jurisdiction, which is subordinate to the jurisdiction of the Ordinary, since the parish priest, in the care of souls, is a coadjutor and, as it were, a vicar of the Bishop. Can. Bonae rei 12, q. 2; Barbos. De Paroch. cap. 9, n. 1."

[*Latin ed. p. 20*]

20. From the decrees of the Sacred Council of Fagnan, in the chapter "Litterae," paragraphs 12 and 18 concerning marriages contracted in defiance of ecclesiastical prohibitions. "Furthermore, the doctrine of the Doctors, confirmed by ecclesiastical jurisprudence, seems to support our thesis. Indeed, they teach unanimously that no person or dignity can exercise acts of jurisdiction over places and persons exempt [from ordinary jurisdiction]. Thus, De Prosperis, in decision 24, paragraph 31, citing two decisions of the Sacred Roman Rota of December 29, 1596, and June 1, 1708 – ibid. – 'No person or dignity can exercise ordinary jurisdiction over that place, over that person, which is protected under the aegis of Blessed Peter and the Holy See.' Those who are exempt are equated with those who are not subjects [of a particular jurisdiction]: 'Exemptus aequiparetur non subdito.' – Ricci, decision of the Archiepiscopal Curia of Naples, page 1, decision 163, paragraph 12. 'A place that is exempt and a place outside the diocese are judged in the same manner by the same Sacred Rota.' – Decision 107,

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paragraph 3." "Furthermore, the Seminary of Tortona is exempt from the jurisdiction of the local parish priest, and the Seminaries of the Milanese are also exempt." "To all this, it must be added that other Seminaries are also exempt from the jurisdiction of the local parish priest, in Lucca." "Concerning the Seminaries of France, Bouix asserts in *Tractatus de Iur. Reg.*, number 2, page 5: 'In the Seminaries of France, for example, to the young men who are ill, the viaticum and the Sacrament of Extreme Unction are administered not by the parish priest, but by the directors of the Seminary.'" "Finally, the Bishop can exempt his Seminary from parochial jurisdiction: this is evidenced by the resolution of the Holy Congregation of the Council in Coimbra, *Exempt. Semin.* of March 12, 1757; and Bouix teaches this in the aforementioned work: 'It is possible for any college of persons, or other pious place, to be exempted by the sole authority of the Bishop from the obligation of receiving Holy Communion in the parish, and also from receiving the Sacrament of Extreme Unction from the parish priest.'" "But let us even admit that the Deans have sometimes been negligent, that certain acts of jurisdiction have been allowed to be exercised by the local parish priests; it must be said that this has occurred..."

[*Latin ed. p. 21*]

LUCCA 21, prejudiced against the authority of the Dean, and now benefit the thesis of the Parish Priest of Saint Mary? No, and for many reasons: "1. Because the pontifical documents, with which the exemptions and privileges of the Dean are agreed, are all furnished with the clause *sublata* and the irritant decree." "2. Because – *Privilegium ordinariae iurisdictionis a Papa concessum in iure prorsus individuo consistit, propterea communiter admittitur a doctoribus, nonnullos iurisdictionis actus iuxta naturam causae universalis, a quo descendunt, inducere et conservare possessionem ipsius iurisdictionis in universum, ex deductis per Post. de manutent. obser. 83, n. 137, et ex pluribus aliis doctoribus in cap. Dilectus de C appell. Monac. praesertim Innoc. n. 3, Ioan. Andr. n. 8, et Rota in decisionibus allatis a Barbosa dict. cap. Dilectus n. 6, et ad retinendum privilegium sufficit si doceatur de usu respectus alicuius rei vel actus cum causa utentis sit universalis-*." Felin, in cap. Audistis, n. 19, *Depraescript.*" "And that this is our case, it is told to us by the religious instruction, the correction of customs, the pastoral Visit to Wechte, -> *quae magis pertinent ad curam animarum* -, always exercised by the Deans; the Paschal Communion, always administered in the Seminary, etc." "3. Because even if some superior of the Seminary has not been vigilant, and has allowed the exemptions of the Seminary to be invaded, it would not harm the principle of common law that the patience, negligence, and abdication of the predecessor, as they do not exceed his person, so they never prejudice the successor." "4. Because the Collegiate Church of Saint Michael, the Seminary, and all persons, as we have said above, by the will of the Supreme Pontiffs, are totally exempt

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from the power of the Diocesan and immediately subject to the Holy See. Now, although a privilege may sometimes be limited, and even totally lost, by contrary acts (Cardinal De Luca, *De iurisd. disc. 7, n. c.*), in our case, however, the contrary acts could not have caused prejudice, according to the rule that..."

[*Latin ed. p. 22*]

22. From the Decrees of the Council, it is absolutely forbidden for those subject to authority to appeal to the Ordinary, or to any other authority, without the Pontifical approval, since it is of the utmost importance to the Superior that his subjects not be judged by others, and that the exercise of his jurisdiction be preserved in its entirety. – "Only the Pope can grant permission for someone to renounce his exemption." (Barb. De iur. eccl. lib. 1, c. 2, n. 172. Cf. Abb. in cap. 1, n. 19, De re iudic, et in cap. Si de terra, n. 5, De Test., in cap. Cum tempore, De arbitr. Kochier, De iurisdict, ordin, in exe?nptos tom. 1, pars 2, quaest. 34, n. 2 et 3). "But it does not seem to us to be true that the communal life, as it has now been introduced into the Seminary, is a new case that the Popes did not have before their eyes and therefore did not intend. For the Popes, as appears from their Bulls, granted to the Deans the right to have a proper Seminary. The Deans could very well have immediately instituted the communal life in their Seminary, even in terms of food and lodging, as has been done now. If the community was not introduced for this one part (for the rest, we have seen that communal life existed), it was due to a lack of means, of suitable premises, etc. And this impediment could certainly not have harmed the authority of the Dean in any way. Likewise, it is certain that the local parish priest has never exercised acts of his jurisdiction over the aforementioned Seminary, nor, in particular, has he ever given the blessing to it on the occasion of Easter." "To confirm this, various testimonies are presented." – And from Aversa, the parish priest of Saint Mary has not adduced anything. – He has noted that the foundation of jurisdiction is certainly the Bull of Leo X, but that this Constitution does not decide except in cases beneficial, spiritual, criminal, civil, or quasi-civil, or mixed; and therefore, with regard to the external forum, this exemption and these matters apply only as long as it is established that "The Dean is DEFENDED from the PARISH PRIEST of Saint Mary by the Apostolic See and by Canon Law."

[*Latin ed. p. 23*]

LUCANA, December 23. "The Dean shall be subject in all things." Furthermore, the pastor noted: "But the best interpreter of the apostolic privileges is the Holy See. Certain doubts regarding the relationship between the Dean and the Chapter were already submitted to its judgment, and the following are relevant: I. Whether the Dean is an ordinary in the aforementioned collegiate church, so that he has ordinary jurisdiction over its per-

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sons and goods. II. Whether all causes concerning said church, its persons, and its goods must, in the first instance, necessarily be known and decided before the Dean." "The responses that emanate from a special Congregation of Prelates of the Roman Curia, appointed for this purpose by the Most Holy Pope Clement IX, in the year 1667, are as follows: 'To I. The Dean in the collegiate church of Sancti Michaelis, and over its persons and goods, is to be considered ordinary, within the limits of the Letters of Leo X, dated IV Kal. Julii 1518; so that he has ordinary jurisdiction in that church and over all its goods, as well as over the canons, clerics, and persons, and their families, in all matters, whether pertaining to benefices, spiritual matters, criminal matters, civil matters, or mixed matters, and in all other causes, even by reason of a crime, or quasi, or of the matter in question, wherever the crime is committed, the contract is entered into, or the matter itself takes place, and the goods of the church, canons, chaplains, clerics, persons, and families of this kind, are subject only to the Dean and to the Apostolic See, and are subject in all things.' 'To II. All the aforementioned causes must, in the first instance, be entirely known and decided before the Ordinary Dean, as stated above, according to the prescription of the Most Holy Council of Tridentini, in Chapter [Causae omnes], Session 24, concerning Reform.'" "However, as in the Bull of Leo X, we speak of causes and of judgment in the first instance, but not of the care of souls and the related jurisdiction. "It is true that the Bull of Leo X speaks of..."

[*Latin ed. p. 24*]

24 FROM the decree of the Council, pertaining to the Dean and Chapter of St. Michael, concerning the parish of St. Michael itself. Indeed, following the aforementioned paragraph, there is one of the following tenor: "Furthermore, that the aforementioned Prefecture may serve in divine matters, and exercise care for the souls of the parishioners, through a Chaplain, or Priest, appointed for this purpose by the aforementioned Bishop Sylvester, as long as he lives, and upon his death, the Dean and Chapter of the Church of St. Michael may have the power to appoint and remove, according to their respective judgment, perpetually and irrevocably." "But this pertains only to the administration of the parish of St. Michael, which existed prior to the foundation of the Collegiate Church, and was in the hands of the Regular Canons suppressed at the time of its foundation. It is therefore stipulated that the right of parochial administration over the parish of St. Michael remains with the Dean and Chapter, and that they appoint the current parish priest, as indeed is required by general canonical regulations. Therefore, there is no question of ordinary spiritual authority conferred upon the Dean towards anyone, with exemption from the local Ordinary, who is the Bishop of Lucca. This is made even more evident by the mention of an attribution of authority to the Dean and the Canons together; no one would claim that these are Ordinaries, especially in matters strictly

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spiritual." "Furthermore, with regard to this matter as well, the authentic interpretation of the Holy See is relevant, and it is given in the response to the 3rd of the aforementioned doubts." "III. Does the Dean have the right to visit the aforementioned Collegiate Church, both concerning matters pertaining to the care of souls, and other matters?" "To III: The Dean, according to the aforementioned letters of Leo X, has the right to visit the aforementioned Collegiate Church, its Canons, clergy, and other persons. However, the Priest who exercises the care of the parishioners is, with regard to matters pertaining to that same care, and also the parishioners themselves, not exempt from ordinary jurisdiction and visitation, as stated in the aforementioned letters."

[*Latin ed. p. 25*]

LUCCA: The Bishop of Lucca has private jurisdiction regarding the Dean, according to the Constitution of the Blessed Pope Boniface, which begins "Per exemptionem." "The visitation and the ordinary authority are two correlative things: where the one exists, the other can be exercised, and where the one can be exercised, the other exists. But with regard to the care of souls, the Dean cannot visit neither the church of St. Michael nor those parishes over which he or the Chapter have the right of patronage. Such visitation, and therefore such jurisdiction, belongs to the diocesan Ordinary of Lucca." Finally, the parish priest observes that, today, the question concerns the exemption of the Seminary from all rights of the parish of St. Mary, and that the parish priest himself does not allow himself to be drawn into the question of granting blessings on Holy Saturday. And on the matter, he notes that the solution to the controversy certainly does not depend on the current condition of the students of the Seminary, who, formerly under a Rector, now live a communal life within the Seminary itself; indeed, neither then nor in this time do all the students reside within the Seminary buildings. Therefore, the parish priest has always exercised his ministry with the students. This is most clearly demonstrated by the following testimonies: Quirico Fanucci, parish priest of St. Michael in Foro, testifies as follows on April 5, 1902: "At the request of the Reverend Curate of St. Mary Forisportam, I attest truthfully that the boarding school of the Deanery Seminary, as long as it remained within the district of the Cure of St. Michael in Foro, was always blessed by the parish priest of this church, who also freely exercised jurisdiction there in two cases of death that occurred during that time. The first of these cases occurred on April 17, 1886, and is recorded in the Book of the Dead by the curate of that time." "Giusti, Anthony, a student of the Deanery Seminary, passed away at 5 p.m. at the age of 15, having received only the Extreme Unction and the Pontifical Blessing, because he was found at the end of his life by the parish priest, and on the morning of the following day by the Company of

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the Most Holy Sacrament."

[*Latin ed. p. 26*]

26. "According to the decree of the Council and the Sacred Heart of Jesus, [the Sacrament] was associated with the Church and administered privately; therefore, it was associated with the mortuary chapels, and on the morning of the 19th [of the month], it was again administered solemnly with the entire Chapter and a sung Mass." "The other instance occurred on January 26, 1896, when I, as the parish priest, myself administered the Holy Oil and other extreme consolations to the dying student, Di Vecchio Francesco, after having obtained consent, requested from the Superiors of the Seminary, to have them bring the Blessed Sacrament from the church of St. Michael to the sick person, so as not to cause him such an impression." Canon Carolus Fambrini, at the request of the parish priest, testified on March 27, 1902: "I have been entering the Seminary for more than thirty years; I have been there as a student, prefect, and teacher; during this time, several students have died, among whom was my brother, and I have never noticed that any person belonging to the Seminary administered the Sacraments to these individuals by order of the Dean, or even generally exercised towards the students acts of parochial jurisdiction. The publications for the Orders, the blessing of houses, the assistance to the sick, and the funerals of the dead have always been invariably performed by the parish priests of the parishes where the students resided, and this both when all were staying with private families, and from the time that a portion was gathered in the dormitory. Perhaps the parish priests of the diocese of Lucca are under the authority of the Dean, while it is certain, because decided by the competent authority, that not even the parish priest of St. Michael is under his authority, and with regard to parochial jurisdiction, he himself is dependent on the parish priest of St. Michael, as long as he is within his parish?" "It is perfectly understood that the parish priests have not, for example, demanded that the students present themselves at the parishes for the Paschal Communion, or to receive religious instruction, since it was ascertained that this..."

[*Latin ed. p. 27*]

At Lugana, on the 27th, this occurred in the Seminary. But, if I have not always understood things differently, I can affirm that, concerning parochial rights, everything has always been, without any dispute, carried out by the parish priests of the parishes where the students resided. Indeed, I recall that, a few years ago, when a student was dying in the boarding house in the parish of Saint Michael, in order to lessen the impression, the Rector asked the parish priest if he could administer the Viaticum himself, and the parish priest consented; then, the parish priest himself administered the Extreme Unction and performed the funeral rites, as has always been

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the case. But in this matter, she will be able to obtain abundant proof from all the parish priests."

ANIMADVERSIONS *EX OFICIO*. – Now, in my office, I will offer some observations to both sides. – Indeed, those reading the texts, or Constitutions, or declarations, issued by the Holy See on this matter, will see that every kind of exemption seems to have been granted to the Dean concerning his own, or the Canons, or the Seminary students, with regard to all matters, both of the external and internal forum. Indeed, Leo XII, in the Brief *Recolentes*, decreed that the Canons of the Becan Church of Saint Michael should have complete jurisdiction in that (Seminary); and throughout the Bull of Leo X and elsewhere, the Dean is called the Ordinary of the clergy. And no one, surely, doubts that such a manner of speaking can also signify and include jurisdiction with regard to the exercise of parochial duties. It does not impede that the parish of Saint Michael in the Forum does not enjoy this exemption from the jurisdiction of the local Ordinary, because this parish encompasses all the parishioners residing within the boundaries of this parish; the Dean, however, exercises his jurisdiction only over the canons and clergy of the Collegiate Church. But, on the other hand, no one knows that custom is the best interpreter of laws and privileges, and that this same custom has the power to override laws or privileges, when it has been legitimately prescribed. Privileges of exemption, since they do not enjoy the favor of the law, are more easily subject to prescription. – But, in proven cases...

[*Latin ed. p. 28*]

28. From the decrees of the General Council, it is clear that clerics do not possess the right to claim immunity from the rights of individual parish priests within the parochial boundaries where they reside. Indeed, as witnesses testify, neither the Dean nor the Canons have ever refused to be counted among the parishioners of a particular parish, and to participate in and undertake all parochial duties with the parish priest of their domicile. This is so true that even today, the Dean contests only one right of the local parish priest, namely, the right to bless the Seminary chapel on Holy Saturday.

It cannot be objected that, until now, neither the Canons nor the students of the Seminary have made use of this immunity from parochial jurisdiction, because they have never established a common life under the governance of the Dean; but now, the students of the Seminary have indeed established such a way of life, and therefore, they have only recently begun to enjoy a privilege that they could not previously enjoy due to certain circumstances. For it is well known that privileges are most often lost through non-use.

Cardinal d'Annibale writes in I, 229: "A privilege is lost on the part of the privileged through renunciation, through non-use, through abuse... Privi-

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leges are lost only through non-use (or contrary use) when they harm the right of a third party, after that third party has made a claim against them in the manner and at the time defined by law." Such an exemption does not require proof that it harms the right of the local Ordinary. Indeed, it is established that the Bishop has a well-founded intention to exercise all kinds of ordinary jurisdiction in every place and with all persons within the boundaries of his diocese, as is stated after the text in chapter Cum persona De primi, in 6; chapter Sane 11 De off. deleg. Barbosa, De off. et pot. Epis. part. 3, alleg. 123, num. 8, dec. 372, n. 1, part. 6 recent., teaches this.

Furthermore, the privilege of exemption is among those things that are considered odious and therefore should not be extended beyond its own limits, as is stated in chapter 1 De priv. in 6; and it should not be understood or accepted in any other way than as Pignatelli states in Consult, can. 8, tom. 7, n. 14, so that the exempt person is not considered exempt in one matter and exempt in another, as cited in Pignatelli consult. 45.

[*Latin ed. p. 29*]

LUGANA, vol. 29, no. 3, no. 8; but it must also be taught that its legitimate and perfectly consistent observance exists, since no introduced privilege can be valid unless it is also proven as a quasi-possession of the exemption. Barbosa, *De Officiis Episcoporum*, Allegationes, 123, no. 34 and following; and the Sacred Roman Rota, Decrees, 492, no. 4, part 1, recent. And this must also be understood with regard to individual acts; for just as a metropolitan see, since it is something like a privilege that can be lost in its entirety by any kind of non-use or opposition, can also be diminished or lost in part by limited use, even as if by tacit renunciation, so teaches De Luca, *De Jurisdictione*, discourse 7, no. 5; Tondut, *Quaestiones de Beneficiis*, book 1, chapter 67, no. 13; the Sacred Roman Rota, in the case of *Qiennen*, May 12, 1704, no. 27, before Molines. But the Dean objects that an exemption cannot be lost by non-use or quasi-renunciation, unless the consent of the Roman Pontiff is added, because the exempt entity is immediately subject to Him. But on the contrary, it is established that an exempt entity cannot, by its own simple renunciation, lose its exemption, since it cannot renounce its freedom, which pertains to the right and property of the Roman See, without the license of the Apostolic See, but the exemption itself can be lost by prescription, as is traditionally taught, as Schmalzgrueber, title *De Privilegiis*, no. 259, teaches, stating that an exemption ceases: "By prescription, as is stated in chapter 14, above; in chapter 7, above, in 6; in chapter 5, above, and in chapter 18, above, concerning prescription; for he who is allowed to acquire by prescription, seems to alienate; Balbi, *De Praescriptione*, part 5, preliminary page 1, question 12, no. 1; Oockier, question 3, no. 7; Barbosa, no. 7. And forty years are sufficient for such a prescription. Nor does it matter that something cannot

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be prescribed against obedience; for this should only be understood of that prescription by which, while remaining under subjection, the obligation of obedience is tolerated, or is made to be as if the Church or monastery was subject to no one." Furthermore, since prescription, no less than the right of exemption, is established in the Church by the Supreme Prince, it is He who removes the exemption and extinguishes it whenever the exemption has been legitimately prescribed. But the Dean, in order to defend the force of the Constitutions, points out that...

[*Latin ed. p. 30*]

30. From the decrees of the Council, there have been annulled or removed clauses; but it is advisable to note that, as Barbosa in *De claus. usu frequent.*, chapter XL, paragraph 47, states, a decree of annulment does not extend the principal disposition, but rather follows the nature of an accessory to it; therefore, since in this matter, concerning parochial rights, no quasi-possession was ever established, nor ever practiced in Tarifa, certainly custom can be invoked as the best interpreter of the law, teaching us that the legislator did not intend to grant what had not previously been accepted by custom from the beginning. Furthermore, Barbosa in the aforementioned place, paragraph 35, states: "The effect of this decree is to abolish not only custom in the past, but also in the future, as stated by Oabr. in *dict. conclus.*, chapter 3, paragraph 40; Gonzal. in *dict. gloss.*, 67, paragraph 30; Farinae in *tract. de immunit.*, paragraph 15; and Mart. in *d. loco*, paragraph 5, where he states that a contrary custom cannot be alleged against a decree of annulment; but Hieron. admits the contrary custom, as stated in Gabr. in *dict. cons.*, 162, paragraph 19, book 4, denying it in the case of non-use; Anton., however, limits the same prior opinion (namely, that a decree of annulment is not prescribed by non-use) as common, citing Ruin. (Cons. 13, number 3, volume 2), as reported by Monet. in *d. cap. 7*, paragraph 243; and Theodos. de Rubeis in *d. claus.*, 258, paragraph 70." Furthermore, it should be noted that, as De Luca states in *De iurisd.*, Discourse 95, paragraph 8, in the Constitution of Pius IV concerning the confirmation and publication of the Council of Trent, a decree of annulment and a removed clause are contained; nevertheless, it is well established that some decrees of the Council of Trent, at least in certain places, were prescribed by contrary custom, as has been widely demonstrated in the cause of Macera, held in the year 1901 in August; and this opinion was clearly confirmed at that time by the Sacred Congregation. In the present case, the existence of a contrary custom is in no way disputed, because the Dean himself spontaneously admits the exercise of parochial rights by the pastor of the place concerning his seminarians, and reserves only the right of blessing the buildings of his seminary on Holy Saturday. This intention

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of the Dean...

[*Latin ed. p. 31*]

The matter of LUCANA 31 appears to deserve more attention, because from the testimonies presented, and especially from the assertion of the Dean himself, it is demonstrated that, in truth, the parish priest did not customarily enter the Seminary on Holy Saturday to impart the Paschal blessing. Therefore, the Sacred Congregation will decide whether the right of exemption, which was certainly granted in every respect to the Dean, still fully holds, with regard to that portion which the Dean claims exclusively for himself. Having considered these matters, the purpose was to resolve the doubt as to whether the Seminary of Saint Michael is exempt from the jurisdiction of the parish priest of Saint Mary Forisportam in this case.

RESOLUTION. The Sacred Congregation of the Council, after deliberation, on July 19, 1902, decided to respond: "Considering the rights of both parties, in all other respects, the parish priest should refrain from blessing the Seminary on Holy Saturday."

FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS. Concerning simple vows, solemn vows to be taken by nuns. After considering the circumstances and the particular cases, which are rarely brought before the Holy See, and after the requests of the sacred prelates, it seemed to this Sacred Congregation to the Most Eminent and Reverend Fathers, Cardinals, entrusted with the affairs and consultations of Bishops and Regular Canons, that the question previously proposed should no longer be delayed: namely, how and in what manner it is fitting to prescribe that, in monastic institutions where solemn vows are professed, simple vows should be taken for a certain time.

Therefore, after mature deliberation and discussion, in a plenary session held in the buildings at Vatican, on March 14, 1902, the aforementioned Most Eminent and Reverend Fathers, Cardinals,

[*Latin ed. p. 32*]

52. The Most Reverend Bishops and Religious [Authorities] judged it fitting to beseech Our Most Holy Lord Leo, by Divine Providence Pope XIII, that he might deign to extend, in a manner deemed appropriate, those things which were healthfully established for religious men in the blessed Pontificate of Pope Pius IX, namely, through the Encyclical Letters of the Holy Congregation concerning the Status of Regular Canons, beginning with the words "Hic autem latet," dated March 19, 1857, and through the Letters with the Fisherman's Ring, beginning with the words "Ad universalis Ecclesiae regimen," dated February 7, 1862, together with the respective declarations that follow. Furthermore, His Holiness, in an Audience granted to the undersigned Cardinal Prefect of the aforementioned Holy Congregation on May 3, 1902, having heard the aforementioned report, ap-

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proved the judgment of the esteemed Fathers Cardinals, and commanded that a decree of this Holy Congregation be issued, containing the following prescriptions, which are to be observed perpetually and inviolably:

I. In all and each monasteries of religious men, to whatever Order or Institute they belong, in which solemn vows are emitted, after the completion of the probation and novitiate, as prescribed by the Holy Council of Trent, the Apostolic Constitutions, and the laws of the Order or Institute approved by the Holy See, the novices shall emit simple vows, after having completed the age of sixteen years, as established by the same Council of Trent, or a greater age, which perhaps is required by the constitutions of the proper Order or Institute approved by the Holy See.

II. This profession, once completed after a period of three years, shall be counted, and if they are found worthy, they shall be admitted to the profession of solemn vows; but this power to dispense is removed, so that if anyone were admitted to solemn profession before the completion of the full three years, for whatever reason, the profession itself would be entirely void and of no effect.

III. Nevertheless, it is declared that the indulgences granted by the Holy See remain in force, by virtue of which, in some places or Institutes, the profession of simple vows may be emitted for a longer period of time.

IV. Furthermore, for just and reasonable causes, of which both the Superior of the monastery and the Mistress of the novices must give written assurance, the Ordinary for the monasteries subject to his jurisdiction, and the General or Provincial Superior for the monasteries that enjoy the privilege of exemption, may grant, in...

[*Latin ed. p. 33*]

I. According to the decrees of the Sacred Congregation of Religious and Regular Canon, and Rule 35, cases in which the solemn profession is deferred do not extend beyond the age of twenty-five years, completed.

II. Simple vows, as is stated, are made perpetually by the one who makes them; and dispensation concerning these is reserved to the Roman Pontiff.

III. Those who have made such simple vows enjoy and possess the same indulgences, privileges, and spiritual favors, by which those legitimately enjoy and possess the simple vows of their own monastery; and, insofar as they are anticipating death, they have the right to offer suffrage.

IV. Nevertheless, they are bound to observe the rules and constitutions, just as those who have solemnly professed; likewise, they are bound to attend the choir, insofar as they are legitimately prevented from being in the choir, they are not obligated to recite the Divine Office privately.

V. The time prescribed by the constitutions of each Order or Institute for attaining the active and passive voice is counted from the day of the making of the simple vows; but those who have made simple vows never have a

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vote, indeed, not even a place, in chapters in which and to the extent that the admission to solemn profession is discussed; and they cannot be employed in the minor offices of the monastery; but they cannot be elected to the offices of Superior, Vicaress, Mistress of Novices, Assistant or Councilor, and Economus.

VI. Those who, by right, are considered older, namely, those who have made their simple vows earlier, are nevertheless superseded by those who, according to the foregoing, have deferred solemn profession for more than three years, and even by those who have solemnly professed, and who, upon being received again, retain the rights pertaining to their prior profession, which was made before they made their solemn vows.

VII. A donation must be made by each monastery to the monastery itself before the making of simple vows.

VIII. Those who have made simple vows retain the radical dominion of their own goods, concerning which they cannot definitively dispose, except within the two months immediately preceding solemn profession, according to the decree of the Council of Trent, Session XX V, on Regular Canonries and Monasteries, chapter XVI.

IX. Moreover, all administration of these goods is forbidden to them, as well as the disbursement and use of any revenues. Therefore, they must, before... (the text is incomplete).

[*Latin ed. p. 34*]

34 III. S. C. EPISC. ET 11 EG t H... ad professionem votorum simplicium, pro tempore quo ipsi in eadem professione simplicium permanserint, administrationem, usum, fructum et usum, etiamsuo Ordini seu monasterio, quatenus ex huius parte nihil obstet ipsae plenalibertati, dopportunum existimerint.

Quod si durante tempore votorum simplicium alia bona legitimo titulo eis obvenerint, eorumque dominium radicale acquirunt, sed administrationem, usum, fructum et usum cedere quam primum debent ut supra, servata etiam lege non abdicandi dominium radicale nisi intrados menses proximos ante professionem solemnem.

XII. Ad dimittendas e monasterio praefatas votorum simplicium professas, recurrendum erit, in singulis casibus, ad S. Sedem, distincte exponendos graves causas, quae dimissionem suadere seu exigere videantur.

XIII. Sorori professae votorum simplicium a monasterio discedenti sive ob votorum dispensationem a Sancta Sede Apostolica impetratam, sive ob decretum dimissionis ut supra emissum, restituenda erit integra dosquoad sortem, exclusis fructibus.

Igitur haec S. Congregatio de expressa Apostolica Auctoritate, praesentis decreti tenore, quaecumque superius praescripta, declarata ac sancita sunt, ab omnibus, ad quos seu quas spectat, ex obedientiae praecepto

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servari et executioni demandari stricte iubet, nonobstantibus contrariis quibuscumque etiam speciali et individua mentione dignis, quibus ad praemissorum effectum a Sanctitate Sua specialiter et plenode rogatum esse declarat.

Datum Romae die 3 Maii 1902.

FR. H. M. CARD. GOTTI, Praef.

PH. GIUSTINI, Secret.

[*Latin ed. p. 35*]

FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS. Doubts proposed by the Archbishop N. concerning the decree *Perpenses iunctis* (1). 35. Concerning the application of the decree *Perpenses iunctis*, with the addition of temporal provisions, recently published by the Most Holy Congregation of Bishops and Regular Canons, which presents certain doubts, the undersigned Archbishop N. N., for the resolution of these matters, with the greatest deference, appeals to the aforementioned Sacred Congregation, and requests an authentic response.

I. QUESTION. Do all institutes of nuns possess a ceremonial or ritual, for admitting novices to religious profession? Or is the aforementioned ritual generally unique, since, almost everywhere, it has previously existed before the profession? Now, the question arises, whether this ritual will henceforth be observed for the first or second profession, or for both? And, since the sacred function of celebrating, from now on, will involve the duplication of the profession of simple vows and solemn vows, is it incumbent upon Bishops (or upon Superiors General, in the case of exempt monasteries) to determine the ceremonies to be observed and the formulas to be used? If the answer is affirmative, what general rule will be followed in practice? If the answer is negative, will the ceremonial or ritual need to be obtained from this Sacred Congregation or from the Congregation of Sacred Rites?

II. QUESTION. In number VIII of the decree, a chapter of nuns is recognized for the admission to solemn profession, those who have remained in the profession of simple vows at the appropriate time. Furthermore, is this chapter necessarily applicable in communities in which matters concerning the acceptance, clothing, and profession of novices are decided by chapter? And if it absolutely must be applied, is it sufficient to exclude someone from a profession if the nuns of the chapter secretly give contrary votes, or is it necessary for each nun to express the reason for her contrary vote, and to explain the grave reasons that seem to suggest or require dismissal?

[*Latin ed. p. 36*]

56. From the Decrees of the Council of Trent, it is questioned whether those who are subject to the judgment of Bishops and Regular Canons should be considered to have made their profession. The doubt arises be-

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cause, after a simple profession, the Religious Community is no longer free to retain or dismiss a member, but rather, the matter pertains fully to the supreme authority of the Church.

III. QUESTION. In Decree VI, it is declared that those who have made a simple vow are obligated to participate in the choir, but that if they are legitimately hindered, they are not obligated to recite the Divine Office privately. But what if someone abstains from the choir without a legitimate impediment? In such a case, negligence is clearly evident before the sisters, and, what is more, a stain of sin appears before God. But are they obligated to recite the Divine Office privately?

IV. QUESTION. Does Decree X stipulate that a dowry must be paid before making a simple vow? Does Decree VI grant all the spiritual favors that are due to those who have made solemn vows to those who have made simple vows, and also all the indulgences, even after death? Does Decree XII determine that, in order to dismiss someone who has made a simple vow from the monastery, recourse must be made in each case to the Holy See?

These points present no difficulty for those Orders or Institutes in which only the profession of simple vows has been observed up to now. But there are Religious Families that, according to rules approved by the Holy See, use a double profession, both simple and solemn. What, then, should be done regarding the constitutions of such Institutes, or should the dowry be paid before the solemn profession, or should the privileges (especially posthumous indulgences) granted to those who have made simple vows be lessened in Minori, or (which seems more likely) should the Superior General have the power to dismiss someone who has made a simple vow?

These matters, which are mentioned in private discussions, are they obligatory for all Institutes of solemn vows, or do they admit of an exception with regard to those Orders or Institutes that have special provisions regarding the aforementioned matters, either in their rule or in their constitutions?

[*Latin ed. p. 37*]

From the Sacred Congregation of Bishops and Regular Canons.

The Sacred Congregation of Bishops and Regular Canons, having considered the aforementioned doubts in consultation with Bishops and the superiors of Religious Orders, responds as follows:

"Regarding I. The rite, or ceremonial, to be observed in each monastery for the admission of the initial profession, in addition to the customary formulas, and with the suppression of any words expressing solemnity, the vow of simplicity must be declared, according to the decree of the Sacred Congregation of Bishops and Regular Canons of May 3, 1902: Furthermore, the second profession may be made privately in the choir or in the inner

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oratory, in the presence of the community, and in the hands of the Superior, with the prior approval of the Ordinary, or of the Regular prelate, in the case of exempt monasteries.

"Regarding II. A chapter must also be held in the aforementioned cases; however, this vote must be merely advisory, and the place where it is to be held may be discussed, and a thorough examination of the candidate's qualities must be carried out, with secret ballots. Furthermore, if all or most of the votes were contrary to the admission to solemn profession, so that, even taking into account Article IV of the aforementioned Decree, the matter of dismissing the sister from the monastery would be considered, the matter must be submitted to the judgment of the Holy See; accordingly, the Ordinary, or, in the case of exempt monasteries, the Regular prelate, will transmit a detailed report of all the circumstances.

"Regarding III. The professed vows of simplicity are not to be recited during the Divine Office outside the choir.

"Regarding IV. In particular cases, recourse must be made [to the authorities]."

Rome, July 28, 1902.

FR. H. M. CARD. GOTTI, Prefect.

PH. GIUSTINI, Secretary.

[*Latin ed. p. 38*]

38. FROM THE SECRETARY OF INDULGENCES: An Indulgence for the recitation of the Little Office of the Most Holy Heart of Jesus has already been approved by POPE LEO XIII, for the perpetual memory of this matter. It has come to pass that the piety of Christian people towards the Most Holy Heart of Jesus, which has been so inflamed, in this time of inhuman wickedness and the corruption of morals, has not only not been extinguished, but is even daily aroused more and more salutarily. For this devotion, by which the Christian people is drawn to Jesus Christ, and in a certain way loves His love, since it considers that Heart, the receptacle of divine love, worthy of all veneration and worship, greatly delights Us, and inspires the best hope that God will one day allow Himself to be appeased, and will have mercy on His Church. Therefore, because We have recently received supplications from Our beloved son, Benedict, Most Reverend Cardinal of the Sacred Roman Edict, Archbishop of Rheims, concerning the dispensation of an Indulgence for the Little Office of the Most Holy Heart of Jesus, which Our Congregation of Rites has already recognized and approved, We declare that We will grant it, because We desire nothing more, and have nothing more in view, than that the devotion of Christians towards the Most Holy Heart of Jesus may be increased. Therefore, We freely accede to the request of the aforementioned Prelate. Wherefore, by Apostolic authority, We grant to all Christian faithful, of both sexes, who

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devoutly recite the aforementioned Little Office of the Most Holy Heart of Jesus, either in Latin or in the vernacular language, provided that the translation is faithful and duly approved, that they may offer prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, and that they shall, for two hundred days, remit, in the form customary in the Church, all the canonical penances that are justly due to them, by whatever means. These relaxations of penances shall also be extended to the souls of Christian faithful who, united with God in charity, have departed from this life.

[*Latin ed. p. 39*]

From the Secretariat for Briefs, 39, We grant the Indulgence to be applied to the Lord. To those who act to the contrary, notwithstanding. These present are valid forever. However, We wish that to these Letters, whether transmitted or in printed copies, signed by the hand of a public notary and secured with the seal of a person constituted in ecclesiastical dignity, the very same faith be given as would be given to the present documents themselves, if they were exhibited or shown, and that a copy of these present Letters (which, if this is not done, We will declare null and void) be presented to the Secretariat of the Congregation for Indulgences and Sacred Relics, according to the decree issued by that same Congregation on January 19, 1756, and approved by Our Predecessor, Pope Benedict XIV, on the 28th day of that month. Given in Rome, at St. Peter's, under the Fisherman's Ring, on December 12, 1901, in the 24th year of Our Pontificate. ALOIS. Card. MACCHI. A copy of these Letters has been delivered to this Secretariat of the Holy Congregation for Indulgences and Sacred Relics, on January 24, 1902. F. SOGARO; Archbishop of Amiden. Secretary. The faculty is granted to the Superior General of the Congregation of the Most Sacred Hearts to establish pious unions under the same title. LEO P. P. XIII. For the perpetual memory of this matter. Granting Our prayers to Our beloved son, Peter Di Nocera, Superior General of the Congregation of the Most Sacred Hearts, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, We hereby grant, through these presents, to the aforementioned General Moderator, and to all his successors in that office, the faculty, valid forever, to establish, with the prior consent of the Ordinaries, pious unions under the title of the Most Sacred Hearts of Jesus and Mary, and to grant to such pious union, above all others, all and singular indulgences and other spiritual graces and privileges, as may be fitting, throughout the Church.

[*Latin ed. p. 40*]

40 FROM THE SECRETARY'S OFFICE, approved by the Summary Congregation for Indulgences and Sacred Relics. We decree, however, that all

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things pertaining to this matter must be observed according to law, especially the Constitution of Pope Clement VIII, Our Predecessor, which begins with the words "Quaecumque," and other decrees of the same Congregation for Sacred Relics. We declare these present letters to be firm, valid, and efficacious, and to produce their full and complete effects, and to obtain, and to be of force and effect, in all things and through all things fully, so that they shall be judged and defined by all ordinary and delegated judges, and in any case, whatever authority may have knowingly or unknowingly attempted to interfere with them, it shall be deemed null and void. Notwithstanding any contrary provisions. We wish that copies or exemplars of these present letters, even if printed by hand by a public Notary, and signed and sealed by a person of ecclesiastical dignity, shall be held to have the same faith and validity as if the present letters themselves were exhibited or shown. Given at Rome, at St. Peter's, under the Fisherman's ring, on the thirteenth day of March, in the year 1902, in the twenty-fifth year of Our Pontificate. For the Lord, Cardinal Macchi, N. Marini, Substitute. INDULGENCE of 50 days, upon reciting the "Requiem aeternam." LEO XIII, Pope. For the perpetual memory of the matter. Granting our prayers to our beloved son, Paul Buguet, General Prefect of the Piarist Work for the Souls of the Abandoned, of the place called "Montligeon," in the diocese of Soissons, we grant, to all and each of the faithful, of both sexes, throughout the world, who, with at least a contrite heart, and with devotion, shall at any time recite the verse with the response, "Requiem aeternam dona eis, Domine, et lux perpetua luceat eis," in the usual form of the Church, an indulgence of fifty days, to the extent permitted by the laws, to expiate the temporal penalties of sins. Notwithstanding any contrary provisions.

[*Latin ed. p. 41*]

FROM THE SECRETARY'S OFFICE, Brief No. 41, to be valid for all times, present and future. We decree that an example of these present letters (which, if it is not done, we do not wish to have the same effect) be presented to the Secretary of the Congregation for Indulgences and Sacred Relics, so that, according to the decree of the aforementioned Congregation, issued under the authority of His Holiness, Pope Benedict XIV, on January 19, 1756, and approved by Our Predecessor on the 28th day of the same month, it may be considered, and that, with copies or printed examples of these present letters, a public notary, subscribed and sealed by a person of ecclesiastical dignity, may be entirely trusted, as if the original present document were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 22nd day of March, 1902, in the 25th year of Our Pontificate. For the Lord, CARDINAL NICOLAUS MARINI, Substitute. An example of these letters was presented to this Secretary of the Sacred Congregation for Indulgences and Sacred Relics. In witness whereof, etc. Given in Rome, from the same Secretary's Office, on the 26th day of March, 1902. F.

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SOGARO, Archbishop, Secretary. INDULGENCES for a new prayer. POPE LEO XIII. For the perpetual memory of the matter. The Venerable Brother William, titular Bishop of Porphyreonius, Our Sacristan, made humble supplications to Us, that We might grant certain indulgences to this invocation: "My God, my only good, You are everything to me, may I be everything to You." We, who, in the exercise of Our pastoral office, strive to foster piety and encourage devotion among the faithful, readily complying with the pious wishes of this same Venerable Brother, and confident in the mercy of Almighty God, and by the authority of Our Lord Peter and Paul, grant to all Christian faithful, of both sexes, who, on any day of the month, recite the aforementioned invocation, [the following indulgences].

[*Latin ed. p. 42*]

42. We grant, in perpetuity, a plenary indulgence, with the remission of all their sins, to those who, moved by devotion, faithfully recite the Breviary, provided that they perform acts of penance and confession as required. Furthermore, those same faithful who, at least with a contrite heart, devoutly recite the invocation [presumably the Rosary or another specific prayer] on any day of the year, are granted, from this time forward, three hundred days of partial remission of their sins, as well as the customary acts of penance, according to the form of the Church. We also grant that all these indulgences, remissions of sins, and relaxations of penances may be applied, even for the souls of the faithful Christians who, united with God in charity, have departed this life, as a form of suffrage. This applies to all, notwithstanding any opposition.

These present decrees are valid for all times to come. We command that a copy of these letters (which, unless it is done, we do not wish these concessions to be valid) be presented to the Secretary of the Congregation for Indulgences and Sacred Relics, according to the decree issued by that same Congregation on January 19, 1756, and approved by our predecessor, Benedict XIV, on the 28th day of that month. And we decree that the same faith be given to these present letters, even if they are only transmitted in copies, printed, with a manual bearing the signature of a public notary and the seal of a person holding an ecclesiastical office, as if the present letters themselves were exhibited or shown.

Given at Rome, at St. Peter's, under the Fisherman's Ring, on the 13th day of March, in the 25th year of our pontificate.

ALOIS.

Card. MACCHI.

A copy of these letters has been delivered to this Secretariat of the Holy Congregation for Indulgences and Sacred Relics.

In witness whereof, etc.

Given at Rome, from this same Secretariat, on the 17th day of March,

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1902.

JOSEPHUS M.

Canonicus COSELLI, Substitute.

[*Latin ed. p. 43*]

45 FROM THE APOSTOLIC PENITENTIARY: A QUESTION REGARDING PROCESSIONS FOR GAINING THE JUBILEE. His Eminence, The Alumni of the Seminary, wearing ecclesiastical vestments, together with all present, led by the rector and professors, visited the churches designated by the Ordinary for the purpose of gaining the Jubilee. The entire journey was completed with great devotion by all. However, a question arises among some regarding such a procession: whether the procession should be accompanied by the carrying of the cross and images, as is not prescribed by the Ritual of Processions. Nevertheless, certain most esteemed authors define a procession as a solemn supplication of the faithful proceeding with the clergy to a sacred place, and pious emblems are not considered to be essential to the very nature of the procession. However, the question remains: is there a risk that the benefit of gaining the Jubilee will be lost if the carrying of the cross is omitted from the procession? The Sacred Penitentiary, after considering the aforementioned, responds: Processions, as described, are desirable for gaining the Jubilee. Given in Rome, from the Sacred Penitentiary, on the 10th of September, 1901. A. CARCANI, Secretary.

A QUESTION REGARDING THE AGE OF A WOMAN FOR MATRIMONIAL DISPENSATIONS. Most Eminent Lord, It often happens that Apostolic matrimonial dispensations are granted due to the age of the woman, either alone or in conjunction with other reasons, and this is sometimes expressed simply, or sometimes thus: the age of the woman is 25 years, or 30 years, or otherwise, but more than 24 years. However, the authors believe that the reason for such a dispensation should be interpreted as...

[*Latin ed. p. 44*]

44. From the Apostolic Penitentiary: Until a woman has reached the age where she could not possibly find a man of equal standing to whom she could be married, the question is asked: Is it necessary, for the validity of a dispensation, to ascertain and prove that the woman has not, up to that age, encountered a man of equal standing to whom she could be married? And God, etc. – From the Acts, March 21, 1902. The Most Reverend Bishops Nicoteren and Tropien. The Sacred Penitentiary, regarding the aforementioned question, responds: It is sufficient that it be certainly known that the woman has reached an age beyond which she could not possibly find a man of equal standing to whom she could be married. Given in Rome, at the

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Sacred Penitentiary, on April 5, 1902. A. R. CELLI, CARCANI, Substitute of the Sacred Penitentiary.

FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: Concerning whether the Brothers of the Christian Schools may teach the Latin language.

To the Most Eminent Baltimorensi Lord Cardinal Gibbons, Archbishop.

Most Reverend and Most Reverend Lord, I make known to Your Eminence that the Most Eminent Fathers of this Sacred Congregation, in a general assembly held on December 11, 1899, examined the following question regarding the faculty for the Brothers of the Christian Schools to teach the Latin and Greek languages in their schools, and responded to the following questions:

I. If, considering new circumstances, it is fitting to grant to the Brothers of the Christian Schools residing in the United States of America a dispensation from their rule, which prohibits them from teaching the Latin and Greek languages? They responded: No, and furthermore.

II. If it is expedient to postpone the execution of this decision?

[*Latin ed. p. 45*]

FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 45. They responded: Negatively, and furthermore, with the following understanding: That a formal precept be addressed to the Superior General, to inform him that the instruction in the Latin and Greek languages in his houses in America is tolerated only until the end of the current academic year. Furthermore, that these decisions be communicated by the means of Your Eminence to the Catholic hierarchy of the United States, informing the American Episcopate that, although the Holy See favors the instruction of students in the classics, and especially in Latin, even employing Religious Orders assigned by their rule to this instruction, it nevertheless wishes to maintain in the Religious Institutes the perfect observance of their rules, and prohibits this to the Brothers of the Christian Schools. Its desire, on the contrary, is that they develop their technical and commercial schools in the United States. These decisions were confirmed by the Sacred Congregation in a hearing on the 6th day of the current month. Having participated in this matter with all diligence, I have no doubt that the Most Reverend Bishops of this region will act in the same manner, out of their devotion to the Holy See. I kiss your hands with the utmost humility and obedience. Rome, 11th of January, 1900. To Your Eminence, your most humble and devoted servant, M. CARDINAL LEDOCHOWSKI, Prefect. ALOISIUS VECCIA, Secretary. DECREE, by which the Mission of Urubamba in the Republic of Peru is assigned to the Order of the Preachers. Since a certain interior part of the wider territory of the Republic of Peru in South America, commonly

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called "La Montana," is in such a condition that the inhabitants of the region frequently live without the light of religion, and without any rules, and that the indigenous peoples are not sufficiently evangelized, although missionaries of the Order of the Friars Minor have long been exercising the sacred ministry there; the aforementioned Sacred Congregation for the Propagation of the Faith was petitioned by the Peruvian Bishops, and...

[*Latin ed. p. 46*]

40. FROM the Sacred Congregation for the Propagation of the Faith, with the consent of the government of that republic, which desires to apply itself to the management of missions throughout the world, it wished to extend its care even to those aforementioned barbarian peoples, in order to lead them to the Faith. For this purpose, so that, according to its own customs, the Sacred Congregation might freely establish missions, the government fully recognized its authority, and the Bishops promised to completely relinquish their jurisdiction in those regions. Therefore, the Most Eminent Fathers of this Congregation, in order to see how these pious intentions could be fulfilled, diligently examined the matter in general assemblies held on the 22nd of January. Their decision was that the entire mountainous territory, concerning which we speak, should be erected into three Apostolic Prefectures, independent of each other and immediately subject to the Sacred Congregation, of which the first, the Central Prefecture, also known as Saint Francis of Ucayali, would include the regions described below: Chanchamayo, Apurima, and Ucayali; the second, the Southern Prefecture, called Saint Dominic of Urubamba, would extend through the region of Urubamba; and the third, the Northern Prefecture, called Saint Leo of Amazonas, would encompass the region of Amazonas. The boundaries of each of these regions will be shown as follows:

1. The region of Chanchamayo will include the river Perene, with all its tributaries, and the river Pachitea, with all its affluents, including the region called Gran Pajonal, up to the beginning of its eastern valleys, the rivers Tambo, and the upper Ucayali.

2. The region of Apurima will include the river of that name (also called Ene), with all its tributaries; also, the rivers Montaro and Tambo, with all their affluents, up to the confluence of the aforementioned river with the Urubamba.

3. The region of Ucayali will include the river of that name, with all its eastern and western tributaries (except the river Pachitea), up to the confluence of the rivers Tambo and Urubamba.

4. The region of Urubamba will include the river of that name, with all its tributaries and the eastern valleys that decline towards the rivers of Bolivia, up to the dividing line between the Peruvian and Bolivian domains; but not to the north, within the place of conjunction of the rivers Urubamba and Tambo.

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5. The region of Amazonas...

[*Latin ed. p. 47*]

From the Sacred Congregation for the Propagation of the Faith, 47: The territory to be encompassed shall include the Maranon River with all its tributaries, and the Amazon River with all its tributaries (except the Ucayali), up to the borders of Brazil, Colombia, and Ecuador. Thus, in order to remove any doubts that might arise concerning the jurisdiction of the Bishops of Peru and the new Apostolic Prefectures, it is hereby established that the aforementioned missions shall extend throughout the entire territory of the wild region (commonly called "la Montana," as mentioned above) of the Republic of Peru; so that the civil and non-civil boundaries, shall also be the boundaries of the respective jurisdiction of the Bishops and Prefects. Furthermore, concerning the manner in which the three Apostolic Prefectures are to be established, and which missionary orders should be entrusted with the care of these missions, the Most Eminent Fathers diligently discussed this matter in the aforementioned General Congregation, considering which religious families would be most suitable for carrying out the apostolic work there. It was then deemed expedient that the Central Prefecture, namely St. Francis of Ucayali, be entrusted to the Order of the Friars Minor; the Southern Prefecture, namely St. Dominic of Urubamba, to the Order of the Preachers; and finally, the Northern Prefecture, namely St. Leo of the Amazon, to the Order of the Eremites of St. Augustine. The Most Eminent Fathers also wished to add the following provision: that the religious men appointed to administer these aforementioned Prefectures shall, with regard to the observance of their rule, not depend on the Provincial Minister, but directly on the General. The aforementioned resolutions, presented by the undersigned Secretary of this Sacred Congregation in an audience held on the 2nd of this month, were approved and confirmed in their entirety by His Holiness Pope Leo XIII, and the present document was ordered to be issued for this purpose. Given on the 5th of February, 1900. M. CARD. LEDOCHOWSKI, Prefect. ALOISIUS VECCIA, Secretary.

[*Latin ed. p. 48*]

48 FROM THE DECREES OF THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, RULES FOR THE PROPER CELEBRATION OF THE MASS ON SHIPS. — Decree. Decree — March 1, 1902. — To remedy the abuses that have been reported concerning the celebration of the Mass during maritime voyages, the Most Reverend Fathers of the Sacred Congregation for the Propagation of the Faith, in their general assembly held on the 24th of the past month of February, after mature deliberation, decreed as follows: It is to be prescribed to all Missionaries subject to their jurisdiction, and those enjoying a special indult, that they celebrate the Holy Sacrifice of the Mass at sea, as this Sacred Congregation prescribes

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in the present Decree, that whenever they make use of this privilege, they diligently and religiously observe the rules set forth in the aforementioned apostolic rescript. They must, indeed, see to it that the sea is sufficiently calm so that there is no danger of the Sacred Species spilling; they must ensure that, if there is one, the priest assisting in the celebration acts properly; and, even if there is no chapel or fixed altar on the ship, the Missionary must be careful not to choose any place for the celebration of the Mass that is indecent or unbecoming; for this would certainly occur if the most august mystery of the altar were celebrated in the cells intended for the private use of travelers. Furthermore, the opinion of the aforementioned Fathers was declared to have been ratified and approved by the Cardinal Prefect, exercising the special faculties granted to him by Our Most Holy Father Leo XIII, of blessed memory, in the name and by the authority of His Holiness, on the 25th of the aforementioned month of February. Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on this day, March 1, 1902. M. CARD. L. LEDOCHOWSKIS. R. C. PREFECT. * S. ALOISIUS VECCIA, Secretary.

[*Latin ed. p. 49*]

49 FROM THE SACRED CONGREGATION OF RITES OF LIVERPOOL. A Doubt Regarding the Proper Church of Any Abbot of a Benedictine Monastery. The Most Reverend Bishop of Liverpool humbly presented to the Sacred Congregation of Rites, that the Most Reverend Abbots of the Anglo-Benedictine Congregation had recently been granted, with benevolence, the privilege of using pontificals in the solemnities of the Mass in their own churches. Since it is not entirely clear which churches are to be understood as "their own," it seemed opportune to the Most Reverend Bishops of England that the aforementioned Bishop, in whose diocese many churches are located to which Benedictine Fathers are attached, should, in the name of all the Bishops of England, request a solution to the following doubts:

I. Whether, as a "proper church" of any Abbot, only the church of the monastery to which he presides is to be understood?

II. Whether it is permissible for any Abbot to exercise pontificals in all churches in which he presides, whether they are churches with two or more, or even only one, priests subject to his jurisdiction, and whether he exercises the care of souls therein? And, in the affirmative:

III. Whether the exercise of such pontificals in churches under the care of Anglo-Benedictine Fathers requires the consent of the Ordinary Bishop?

IV. Whether Abbots in churches of other religious orders or congregations, or in secular churches, may lawfully use pontificals without the consent of the Ordinary Bishop? And, in the negative:

V. Whether in such churches, whether of religious or secular origin, the

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use of pontificals without the consent of the Ordinary Bishop is permissible.

And the Sacred Congregation, after careful consideration of the aforementioned, with the opinion of the Liturgical Commission, and after all matters having been thoroughly examined, decided to respond as follows:

To I: Affirmative, unless there are other filial churches to which he presides, or which are subject to his jurisdiction.

To II: Affirmative, provided that it is a matter of "proper churches" and Decree No. 2080, from Fiesole, October 1, 1701, is observed. Acts, Volume XXXV, page CDIX, 4.

[*Latin ed. p. 50*]

50 FROM THE SACRED RITUAL, part III. Negatively, it is not to be sung in churches with their own proper rites, as mentioned above. Regarding I, IV. The Decree No. 2923, of the Order of Monks of Saint Basil, dated December 18, 1846, is to be given. Regarding V. This has already been provided in the preceding text. And thus it was written. On June 13, 1902. D. CARDINAL FERRATA, S.R.C., Prefect of L. & S. D. PANICI, Archbishop of Laodicea, Secretary. LETTERS ENCYCLICAL concerning the intention of the Most Holy Father Leo XIII, when he ordered a novena of prayers for the greater glory of the Holy Spirit. Most Reverend Lord, To foster in the Christian people a devotion to the divine Spirit, the Most Holy Pope Leo XIII, on May 9th of the year 1887, gave to all the Bishops, as you know, the Encyclical Letters "Divinum illud munus," full of apostolic charity and wisdom. In these, the Blessed Father taught more fully about the august mystery of the Trinity, and especially about the wondrous presence and power of the Holy Spirit; and he urged the clergy, especially the confessors and pastors of souls, to teach the Christian people more diligently and abundantly about all things pertaining to the Holy Spirit. For the more that faith is aroused and strengthened in their hearts, the more easily will Christian people become accustomed to the divine Paraclete, the highest gift of God, and to love and implore Him more ardently and abundantly. Furthermore, as the sacred feasts of Pentecost approached, the Supreme Pontiff, in the same Letters, decreed and ordered that throughout the entire Catholic world, a novena of prayers should be held in all churches, and even in other temples and sacred places, even if it seemed useful to the local Ordinaries. Moreover, the Church has generously bestowed, and will continue to bestow, the sacred gifts of indulgences, which the faithful can obtain during the octave of the solemnity. Indeed, His Holiness earnestly desires that what was then decreed, by reminding and urging, may remain in all hearts, through the diligent work of the clergy, and may be present

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and permanent, for the greater glory of God.

[*Latin ed. p. 51*]

FROM THE SACRED RITUALS, 51, concerning the salutary fruits that glorify the divine Spirit. I send to you, under the order of the Most Blessed Father, these very letters, which serve as an example. — Because, as it has come to be known, at certain times, some have believed that the decree concerning the novena of prayers, mentioned above, only passed in the year 1887; it is most fitting that it be clearly understood that what is prescribed in those aforementioned letters, both concerning that very prayer and concerning the benefits of the sacred indulgences, has been established for all, perpetually, for each year. — Since the Most Holy Pope desires that the novena of prayers be earnestly recommended to all, and for the most excellent purpose, namely, to promote the good of Christian unity, concerning which His Holiness is so concerned, He has ordered that it be especially observed. These things I write to you according to the mandate of the August Pontiff. His Holiness truly hopes that, with God's help, the Bishops will also renew their zeal and diligence, and that the clergy will respond with alacrity. In the meantime, I sincerely pray for all good things for you. Rome, from the Secretariat of the Congregation of Sacred Rites, on the 18th of April, 1902. To Your Eminence, as a most devoted brother, D. CARD. FERRATA, S. R. C., Prefect. L. s$f S. i D. PANICI, Archbishop of Laodicea, Secretary. NEWEST DECREES CONCERNING MISSAE DE REQUIE, etc., and other matters. The Reverend Joseph Erker, Canon of the Cathedral Church of Labaca, with the consent of his Most Reverend Bishop, humbly requests a solution from the Sacred Congregation of Rites concerning the following doubts: I. The privilege concerning Missae de Requie granted to chapels of sepulchers, from Decree No. 3903, of June 8, 1896, and to the Church, or public and principal oratory of said sepulcher, from Decree No. 3944, of January 12, 1897, is also favorable to chapels, churches,

[*Latin ed. p. 52*]

52. "Concerning burial grounds and public chapels, in which formerly bodies were buried, but which are now, for some reason, abandoned, so that the deceased can no longer be buried there: I. Does the privilege granted to parish churches, which have a cemetery nearby, favor the parish church even if the church itself has become a burial ground? II. In the case of strict anniversaries of laypersons, which are celebrated outside the actual anniversary of death or burial, can the "Deus Indulgentiarum, Domine" prayer be said? III. Are the anniversaries widely celebrated, which, by the general decree of December 2, 1891, are observed by the piety of the faithful within the octave of All Souls' Day, so strictly bound to that octave that they are not permitted at other times, e.g., within the

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octave of the Dedication of the Church, or of its titular saint, or during one of the Four Seasons? IV. In churches that are not obligated to have a choir, when several Masses are celebrated on the day of the Commemoration of All Faithful Departed, must there be at least one Mass with the chanting of the Commemoration of All Faithful Departed, or can all the Masses be sung? V. What Mass should be said in churches that have only one Mass, when the day of the Commemoration of All Faithful Departed coincides with the anniversary of the death or burial of someone? VI. According to Decree No. 3944, of January 12, 1877, paragraphs 3, and of April 3, 1900, paragraphs 3 and 4, private Masses, either for the day or for the anniversary of death or burial, are permitted in public churches and chapels, if a funeral with a Mass of Requiem, with chanting, is also celebrated there, with the customary observances. The question is: Must a funeral with a Mass of Requiem with chanting also be celebrated in semi-public chapels, as the aforementioned Masses of Requiem can be celebrated there? VII. According to the aforementioned Decree, of April 3, 1900, paragraphs 3 and 4, in private chapels, Masses which are permitted to be said there, can be Masses of Requiem in the presence of the body in the house. The question is: Is this "presence" to be understood as not only physical presence, but also moral presence in the house, so that, for example, if a contagious disease is present, the body is not permitted to be in the house?

[*Latin ed. p. 53*]

X. 53. From the Extraordinary Collection of Rites, Decree General, 3755, of December 2, 1891, solemn Requiem Masses are prohibited on feasts of the first class, whether they are of universal observance or of particular churches, as prescribed by the rubrics. The question is asked: Are these last words to be understood only with regard to feasts that are to be observed with a holiday, concerning the faithful, or also with regard to feasts of the choir, with a holiday, such as, for example, the anniversary of the dedication of one's own church, the feast of the patron of the region, diocese, or place, which are not universally observed by the people?

X. The question is asked: Can the Requiem Mass with singing, which, according to the aforementioned Decree General, 3755, paragraph 3, may be celebrated for the first time after death, or upon the arrival of news of death in distant places, on the day it first occurs, without being impeded by a feast of the first or second class, or by a feast of precept, be sung on a Thursday of the third week, on the Vigils of the Nativity of the Lord and of Pentecost, on Thursdays, Fridays, Saturdays within the Octaves of Easter and Pentecost, even though these days are neither feasts of precept nor feasts of the first or second class, and do these [days] exclude the same feasts of the first class?

XI. The question is asked: 1. In Requiem Masses, which, setting aside

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the solemn Requiem Mass, are celebrated on certain occasions, in the Semi-Double and Simple ranks, from the day of death until the deposition [of the body], should the same formula be used on the day of death as on the day of deposition? 2. Should the same be said also with regard to Masses that are celebrated on the second day after the funeral, if a Semi-Double or Simple rank occurs?

XII. In Decree No. 3822, of April 3, 1894, it is prescribed that while the body of a deceased diocesan bishop, clothed in sacred vestments, lies publicly and solemnly exposed in the main hall of his own church, Masses for the repose of his soul may be celebrated throughout the morning, with all the usual observances, etc. The question is asked: Must this provision necessarily be understood to apply to Requiem Masses for the deceased diocesan bishop being celebrated there, without regard to the inhabitants or the solemnity of the day on which they are celebrated, whether it is a Greater or Lesser Double, or a solemn feast?

XIII. The public or solemn exposition of the Most Holy Sacrament, which requires the license of the Ordinary, can this also be done with the pyx placed in the throne of the tabernacle?

XIV. The private and less solemn exposition of the Most Holy Sacrament, which is done with the pyx entering the tabernacle, through the small door.

[*Latin ed. p. 54*]

54. Having considered the matter of the established custom, if there is a permanent and public reason, are Masses for the Dead impeded? XV. Is the priest obligated, whether by the foundation or by the acceptance of a salary, to celebrate a Mass for one or more deceased persons, and does he fulfill his obligation by applying the same Mass to the deceased, conforming to the office of the day, on semi-doubles and other days when Masses for the Dead are permitted daily, or is he obligated on those days to celebrate a Mass for the Dead, even if the founder or the one who offers the alms has not expressly requested a Mass for the Dead, nor is the Mass to be celebrated at a privileged altar? Furthermore, the Sacred Congregation of Rites, after receiving the report of the undersigned Secretary, with the careful opinion of the Liturgical Commission, and after thoroughly considering all matters, decided to respond as follows: To I. "No." To II. "No." To III. "Affirmative." To IV. "Affirmative." To V. "The Mass in chant for the Commemoration of All Faithful Departed is not prescribed in this case." To VI. "The Mass is to be celebrated as on the day of death." To VII. "No, in this case." To VIII. "Affirmative, according to Decree No. 3903, of June 8, 1896." To IX. "No, regarding the first part; Affirmative, regarding the second part, as far as more solemn local feasts are concerned." To X. "No, in all cases, according to General Decree No. 3922, of June 30, 1896, § III, No. 2." To XI. "Regarding 1 and 2, the Mass is to be celebrated as on the day of death or burial." To XII. "Chosen Masses are permitted, according

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to Decree No. 3903, of June 8, 1896." To XIII. "No, according to the Decrees." To XIV. "Affirmative, in this case, according to the Decree of Warsaw, No. 7, May 1746, at 4, No. 2390." To XV. "Let Decree No. 4031, of Several Dioceses, of June 13, 1899, at IV, be given." And thus it responded. April 28, 1902. L.-*5 S. D. CARD. FERRATA, S. B. C. Prefect. _ _ _ DIOMEDESPANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 55*]

FROM: S. C. RITUUM 55 ABYSSINEN. Concerning the Beatification or Declaration of Martyrdom of the Venerable Servants of God Apollinaris de Almeida, Bishop of Nicea, Hyacinth Franceschi, Francis Ruiz, Abraham de Georgiis, Gaspar Paez, Ioannes Pereira, Ludovicus Cardeira, and Brunus Bruni, Priests of the Society of Jesus, who were killed in hatred of the Catholic Faith. Among the principal heralds of the Gospel who, among the Ethiopians, followed the footsteps of St. Frumentius, and who, ordained in the order of St. Athanasius, consecrated that region with their apostolic labors and with the shedding of their blood, the aforementioned Servants of God are worthy of memory and praise. These, adorned with virtue and martyrdom, as received through tradition and consigned in writing and in the martyrology, are embraced and venerated by the Church, as a most beloved daughter, following the supreme command: "They persecuted me, and they will persecute you." Four Inquisitions were instituted by the Patriarch of Ethiopia around the year 1652 concerning the fame and the cause of the martyrdom of these same Servants of God. The authentic documents pertaining to these Inquisitions were lost for a long time, and only in recent years were they brought to light and presented to the Congregation of Sacred Rites, together with the suppliant letters of the clergy and people of Goa, which had previously been presented to the Supreme Pontiff Innocent X for the introduction of the cause. What is extracted from these acts concerning the life, mission, and death of these Servants of God is briefly and summarily described here.

Apollinaris de Almeida was born in Lisbon at the end of the 16th century, and at the age of seventeen, he entered the Society of Jesus. After completing his studies, he taught sacred literature in the Academy of York. After the death of Jacob Sicco, Bishop of Nicea, and Auxiliary Patriarch, he was appointed to succeed him, and was adorned with the dignity of bishop. In the year 1628, he was sent to Ethiopia by the Most Holy Pope Urban VIII, and after various voyages, he arrived in Goa, then in Dium, and finally, accompanied by his companions Emmanuel Magro and Joseph Giroco, he reached Dancasium in the year 1630. Commended by letters from the King of Portugal, he was received with humanity by the Ethiopian Emperor, and the Apostolic man diligently fulfilled all his episcopal duties. However, eight years later, as the faith of the Catholic Church declined under the Emperor, this Prelate, together with his companions, the Fathers Hyacinth

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Franceschi and Francis Ruiz, was deported to a certain island in the Nile, cruelly persecuted by the most impious heretics, and buried under stones.

[*Latin ed. p. 56*]

56. From the Sacred Congregation of Rites, it is known that he met his death. Hyacinthus Franceschi, born in Florence, distinguished by the integrity of his life and the marvelous gentleness of his character, devoted himself to the humanities and to pious instruction in the Florentine College, under the discipline of the Fathers of the Society of Jesus, together with Alexander Bericio, a young man of exceptional virtue. Having conceived the desire for religious perfection from his childhood, and constantly nurtured it, he achieved it at the age of seventeen, overcoming the long and sharp opposition of his father, and entered the same Society in Rome. Emulating the better qualities, he requested and obtained the Indian missions, and after completing his studies in Coimbra and Goa, he departed for the Ethiopian missions in the year 1633. As a diligent worker in the vineyard of God, he brought forth fruit in the kingdom of Tigray and in other regions, until his superiors, Apollinaris and his companion Franciscus Ruiz, shared with him both the labors and the torments, as well as the peace and the rewards.

Franciscus Ruiz was born in the town of Lumiar, near Lisbon. A young man distinguished by excellent morals, and instructed by the Fathers of the Society of Jesus, he was admitted to the same Society when he was seventeen years of age. And when his superiors, perceiving his zeal, approved his desire to go to the sacred missions, he finally, with permission obtained, went to Ethiopia with four companions, to cultivate the region among the Dancaz, and, through the apostolic ministry, he also became a physician, endowed with abundant charity, and dedicated to this work with great diligence and skill. While he was engaged in these holy activities, a man of God, by order of the Emperor of Ethiopia, seized him and subjected him to torture, and after enduring many torments, he was suspended from a tree and, still alive, was stoned to death.

Abraham de Georgiis, from Aleppo, of a Maronite family from Mount Lebanon, and piously educated, excelled among his peers in both intelligence and virtue in the Maronite seminary. He had as a classmate and friend Saint Aloysius Gonzaga. After taking vows, he went to the College of Coimbra in the year 1592, and later came to Rome, where he conceived the plan of going to the Indian missions, and, with the consent of Father Claudius Aquaviva, the General Prefect, he carried out this plan in the same year. He set out on his journey, arrived at Massaua, and was received with kindness by the Turkish governor, Xafer. When, after three months, he was about to depart for Ethiopia to spread the light of the Gospel, he was immediately recalled to Massaua, being recognized as a Christian. After the aforementioned governor, with empty flattery and threats, vainly tried

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to induce him to renounce the Catholic faith, the most courageous man, after:

[*Latin ed. p. 57*]

From the Sacred Rituals, number 57, while the holy name of Jesus was repeatedly invoked with the most bitter torments, with a third blow of the sword, the head of Gaspar Paez was severed. Gaspar Paez, born in the Portuguese city of Coimbra in the year 1597, and brought to India in the year 1605, began to attend the schools of the Society of Jesus, and entered the Institute of that Society at the age of fourteen. In the year 1623, while studying philosophy, he felt a vocation to the priesthood, and, having made his vows, he was ordained. Because he was sent to Ethiopia, he propagated the Catholic religion there, by word and example. After other ministers of Christ were expelled from Ethiopia, he was able to remain there with Father John Pereira and Father Bruno Bruni, but, being denounced by the king, Faciladas, who was offended by the Catholic Faith, he was delivered to the monastery of Aspha Christos, where he was joined by a wicked and heretical man named Guabra Christos, who considered himself to be his accomplice in wickedness. On the 25th of April, in the year 1635, while the fathers were engaged in sacred duties, Guabra Christos attacked them with three hundred men. Gaspar Paez fell first, pierced by a lance through the heart and right side, and was followed immediately by the four fathers who were working with him, and by Father Pereira. — John Pereira, born in the town of Cellanella, in the diocese of Ulissipona, often invoked the help of his guardian angel, and shone forth with virtues and brilliance. Received into the Society of Jesus, he was sent to India in the year 1626, as he had requested. Having been ordained a priest, he set out for Ethiopia in the year 1628. He converted many heretics to the Catholic Faith, and he showed great devotion to the Blessed Virgin Mary. While living in Assa, he shared the cares of ministry and the torments of martyrdom with Gaspar Paez. After being struck by a fatal wound, and suffering greatly for seven days, he passed away on the 2nd of May, in the year 1635, and went to his heavenly homeland. — Louis Cardeira was born in Cella Alcobatia, in Lusitania, of pious parents. In the year 1611, he went to the missions in India with Father Peter Francis. He was skilled in the Ethiopian language, theology, and mathematics, and he himself learned music and was the first to teach it there. He spent many years in those regions with Father Bruno Bruni, serving in the sacred ministry, and for a long time he was a guest, as a place of refuge, of the most pious man, Habet Zamar, in the high mountains of Amba Selama. As the hatred of the Ethiopian king towards Catholics increased, and at the instigation of his administrator, Lexano, the faithful servant of God was condemned to execution, and he recited Psalm sixty-fourth: "Thou art worthy, O God, in Sion, and unto Thee shall the city

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pay tribute."

[*Latin ed. p. 58*]

58. From the Acts of the Congregation of Sacred Rites: "He was hanged, drawn, and quartered." — Bruno Bruni, born at Columnella in Italia, who constantly carried the Holy Cross upon his breast, was named for this reason; he entered the Society of Jesus and zealously served it. With the approval of the Most Reverend Mutius Vitelleschi, the Supreme Moderator of that Society, he departed for the Indies in the year 1622. Intensely devoted to the glory of God and the salvation of souls, he persevered in his apostolic labors and endured persecution until his death, and, for the noble cause, he shed his blood on the same day and in the same manner as Father Ludovico Cardeira.

When all things were prepared for the introduction of the cause of the aforementioned Servants of God to the Congregation of Sacred Rites, the Reverend Father Ludovico Martin, the General Prefect of the Society of Jesus, together with the Reverend Father Camillo Beccari, also of that Society, the promoter of the cause, having obtained the necessary dispensations, and after examining, as is customary and required by law, the ancient and recent petitions, as well as the opinions of the Most Reverend Cardinals, of the Most Reverend Archbishops, and of other persons of ecclesiastical or civil distinction, the Most Reverend and Most Illustrious Cardinal Caietan Aloisi-Masella, the Relator in this cause for the Ordinary Sessions of the Sacred Congregation, signed and submitted the following question to be discussed at the Vatican: "Is a Commission for the Introduction of the Cause to be appointed in this case and for this purpose?" Furthermore, the Most Reverend Fathers Prefects of the Sacred Rites, after hearing the report of the aforementioned Cardinal Relator, and after hearing the voice and the written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Office, and after carefully considering all things, decided to write: "A Commission for the Introduction of the Cause is to be appointed, if it pleases the Most Holy Father." On June 17, 1902. After all of these things were reported to the Most Holy Father, our Lord Leo XIII, by the undersigned Cardinal Prefect of the Congregation of Sacred Rites, His Holiness, approving the Decree of the aforementioned Congregation, deigned to sign with his own hand the Commission for the Introduction of the cause of the aforementioned eight Venerable Servants of God, on the nineteenth day of the same month and year.

D. CARD. FERRATA, Prefect of the Sacred Congregation, Legate a Pontefice.

L. & S.

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D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 59*]

FROM CHAPTER 59 OF THE BASILIAN RITUAL, or of TRECENS. Concerning the Beatification and Canonization of the Venerable Servant of God, Mary Salesia Chappuis, Abbess of the Visitation Monastery in the city of Trecens.

Whereas the undersigned Cardinal, Prefect of the Congregation of Sacred Rites, in place of and by the authority of the Most Reverend Cardinal Lucidi, Bishop of Porto and Santa Rufina, and Relator in this Cause of Beatification and Canonization of the Venerable Servant of God, Mary Salesia Chappuis, in the Ordinary Plenary Session of the aforementioned Congregation, held at the Vatican on the date indicated, proposed the following question for discussion: "Whether it is established that the Process constructed by the Apostolic Authority in the Basilica Court is valid and relevant, concerning the fame of the sanctity of life, virtues, and miracles of the aforementioned Venerable Servant of God, in the case and to the effect of what is being considered," the Sacred Congregation itself, in accordance with the Apostolic regulations issued in the years 1878 and 1895, after careful consideration and having heard the Reverend Father Alexander Verde, Promoter of the Holy Office, decided to respond: "Affirmatively, that is to say, it is established, according to the testimony of the third witness."

On May 6, 1902.

Subsequently, these matters were reported to His Holiness, Pope Leo XIII, by the aforementioned Cardinal, Prefect of the Congregation of Sacred Rites. His Holiness approved and ratified the Decree of the aforementioned Sacred Congregation on June 29 of the same year.

DOMINICUS CARD. FERRATA, Prefect of the Sacred Rites.

L. * S. F. D. PANICI, Archbishop of Laodicea, Secretary of the Sacred Rites.

CONCERNING the Beatification and Canonization of the Venerable Servant of God, John Martin Moye, Founder of the Congregation of the Sisters of Providence.

At the request of the Reverend Father Xaverio Cazenave, General Procurator of the Society of the Missions of Paris, and Postulator in the Cause of Beatification and Canonization of the Venerable Servant of God, John Martin Moye, and with the presence of the Most Reverend Cardinal Caietan Aloisi Masella, Relator in this Cause, in the Ordinary Plenary Session of the Congregation of Sacred Rites, held at the Vatican on the date indicated, in accordance with the special Apostolic regulations issued in the years

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1878 and 1895, the following question was proposed for discussion:

[*Latin ed. p. 60*]

From the records, it is stated: "Does it appear that the validity of processes, whether conducted under Apostolic or Ordinary authority, is established, considering that the witnesses have been duly and properly examined, and that the evidence presented has been legitimately obtained, in the case and to the effect of what is being considered?" The Sacred Congregation, after careful deliberation and having heard the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Office, decided to respond: "It appears that the prior dispensations are sufficient in the processes." On May 6, 1902. Subsequently, these matters were brought to the attention of His Holiness, Pope Leo XIII, through the aforementioned Cardinal Prefect of the Sacred Congregation of Rites, who, after seeking the necessary dispensations in the processes, announced the outcome of the granted indulgences, and on the same month and year, the 29th, His Holiness approved and ratified the Rescript of the aforementioned Sacred Congregation.

DOMINICUS CARD. FERRATAS.

R. C. Pref. L. © S. f

DIOMEDES PANICI, Archbishop of Laodicea, Secretary.

ANDEGAVEN. Concerning the Beatification and Canonization of the Venerable Servant of God, Sister Mary of Saint Euphrasia Pelletier, Foundress of the Sisters of the Good Shepherd.

At the Ordinary Congregations of the Sacred Congregation of Rites, held in Rome under the signatures of the aforementioned, in accordance with the Apostolic regulations of the years 1878 and 1895, and in the presence of the Reverend Father Antonio Savelli Spinola, Patriarchal Canon of the Basilica of Saint Liberius, and Postulator for the Cause of the Venerable Servant of God, Sister Mary of Saint Euphrasia Pelletier, the following question was presented to the Most Reverend and Most Illustrious Cardinal Hieronymo Gotti, the Relator of the same Cause, for discussion: "Does it appear that the validity and relevance of the Andegaven Process, established under Apostolic authority based on the reputation of a holy life, virtues, and miracles, in the case of the aforementioned Venerable Servant of God, is established, to the effect of what is being considered?" And the Sacred Congregation, after careful consideration, and having also heard the Reverend Father Alexander Verde, Promoter of the Holy Office, decided to respond: "Affirmatively, or it appears to be established." On March 18, 1902. Subsequently, these matters were brought to the attention of His Holiness, Pope Leo XIII, through the aforementioned Cardinal Prefect of the Sacred

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Congregation of Rites.

[*Latin ed. p. 61*]

From the Sacred Congregation of Rites, 6th, through the Prefect, His Holiness approved and confirmed the resolution of the aforementioned Sacred Congregation, on the first of May, in that same year. His Eminence, Cardinal Ferrata, Prefect of the Sacred Congregation of Rites, and His Excellency, Archbishop Panici, Secretary.

NEW DECREE CONCERNING URGELL.

A doubt regarding the translation of the feast of Saint John Baptist de La Salle.

Reverend Father Joachim Solans, Master of Ceremonies of the Cathedral of Urgell, with the consent of his own Ordinary, humbly presented the following doubt to the Sacred Congregation of Rites:

"In the coming year, 1903, the feast of Saint John Baptist de La Salle ought to be celebrated on May 15th. However, throughout all of Hispania, on that very day, the feast of Saint Isidore the Farmer, the Patron of the city of Matritensis, is celebrated. From the fifth canon of the Bull of Canonization of this Saint, and from other documents, it is clearly evident on what day Saint Isidore died. This venerable Saint is honored as the Patron by all the farmers of Hispania, and it would be most grievous to transfer the Patronage. Furthermore, on that aforementioned 15th day, the parish priests are obliged to offer Mass for the people, because it was on that day that Saint Isidore used to celebrate the Mass under a double precept.

In light of these circumstances, the question is: Ought the feast of Saint Isidore the Farmer, to be celebrated on the aforementioned 15th of May, to be translated to another day, so that the feast of Saint John Baptist de La Salle may be celebrated freely? Or, on the contrary?

And the Sacred Congregation of Rites, with the aforementioned Secretary reporting, and after hearing the opinion of the Liturgical Commission, decided that the answer should be: Affirmative to the first part, and negative to the second. And thus it was written.

On March 24th, 1902.

His Eminence, Cardinal Ferrata, Prefect of the Sacred Congregation of Rites.

His Excellency, Archbishop Panici, Secretary.

[*Latin ed. p. 62*]

From the Congregation of Indulgences of Cortona. Doubts concerning a privileged altar, when it is made of wood.

When a doubt arose concerning the nature of a privileged altar existing

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in the Oratory of the Holy Sisters of the Sacred Stigmata in Cortona, and because it is made of wood and in no way affixed to a wall, the following doubts were presented to this Holy Congregation, which presides over Indulgences and Sacred Relics, to be resolved:

I. Can a simple altar, which is called a portable altar or *viaticum*, enjoy the privilege?

II. Is it necessary that the altar be fixed in the strict liturgical sense (that is, entirely of stone, with a table consisting only of stone immediately joined to the pillars, and consecrated), in order that it may be worthy of the privilege?

III. Is it sufficient that it be made of wood, and not at all affixed to a wall, if the table is of stone, immediately consecrated, and dedicated to a particular Saint?

The Most Eminent and Reverend Fathers, assembled in the Vatican Palace, responded to the proposed doubts on July 15, 1902.

To I: Negatively.

To II: Negatively.

To III: Affirmatively.

After a report was made to Our Most Holy Father Leo XIII in an audience with the aforementioned Cardinals on July 18 of the same year, His Holiness ratified and confirmed the resolutions of the Fathers.

Given in Rome, from the Secretariat of the same Holy Congregation, on July 18, 1902.

S. CARD. CRETONI, Prefect.

L. S.

Pro-R. P. D. FRANC, Archbishop, Amid.

Secret.

M. Can. COSBLLI, Substitute.

[*Latin ed. p. 63*]

65 FROM THE SACRED CONGREGATION FOR INDULGENCES, MINOR ORDER. CAPPUCCIN. A doubt concerning the granting of indulgences to the Third Secular Order. The Provincial Minister of the Order of Friars Minor Capuchin in Sabaudia presented this matter to this Sacred Congregation for Indulgences, stating that the members of the Third Secular Order of St. Francis are required to visit a certain designated church in order to gain the indulgences granted to the aforementioned Third Order. However, since there are many members of the aforementioned Order who, living in a certain community, are morally prevented from visiting the prescribed church, and in order to provide for their spiritual well-being, the following questions were proposed:

I. Can tertiaries who reside in seminaries, colleges, hospitals, prisons,

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or other similar houses, which have a semi-public oratory, acquire indulgences, even if they are morally prevented from visiting the designated church, by visiting the parish church, or the church of the Order, or the one in which the sodality or public oratory of the Third Order is located? And if so, to what extent?

II. Is it permissible to grant this grace by a general decree, so that tertiaries residing in the aforementioned houses are not deprived of this treasure?

The Fathers in the Vatican palaces were convened on July 15, 1902, and responded as follows:

To I: Provision will be made in II.

To II: To be submitted to the Most Holy Father.

The Most Holy Pope Leo XIII, having heard the aforementioned report, in an audience on July 18 of the same year, approved the resolutions of the Fathers and benignly granted the requested grace.

Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on July 18, 1902.

S. CARD. CRETONI L.

* Prefect of the Sacred Congregation for the Propagation of the Faith.

FRANC. Archbishop.

M. Can. COSELLI, Substitute Secretary.

[*Latin ed. p. 64*]

64 FROM THE SACRED CONGREGATION'S DECREE, dated August 19, 1902, prohibiting certain books. On the third day of the week, August 19, 1902, the Sacred Congregation of Eminent and Reverend Cardinals of the Holy Roman Church, by order of the Most Holy Pope Leo XIII and the Holy Apostolic See, which is responsible for the Index of books of pernicious doctrine, and for their condemnation, suppression, purification, and permission throughout the Christian republic, having met in the Apostolic Palace at the Vatican, condemned and condemns, prohibits and forbids, and orders that the following works be added to the Index of Prohibited Books: *Presbyter Lucensis.* — *L'Antichità intorno all'elezione dei Sacri Pastori.* — *Lucca, tip. del Serchio 1902.* *Zino Zini.* — *Il pentimento e la morale ascetica.* — *Turin, fratelli Bocca 1902.* Therefore, no person of any rank or condition whatsoever shall dare to publish, or to read or retain, the aforementioned works, in any place or language, under the penalties indicated in the Index of Prohibited Books. Julius Bois, Hermann Schell, Aemilius Combe, Joseph Muller, Francis Regis Planchet, and Camillus Quiévreux, having submitted to the decrees of the Sacred Congregation, published on August 21, 1896, December 15, 1898, and June 7, 1901, in which certain

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books were noted and inserted into the Index of Prohibited Books, have done so commendably. These matters having been reported to the Most Holy Pope Leo XIII by me, the undersigned Secretary, His Holiness approved the Decree and ordered it to be promulgated. In witness whereof, etc. Given at Rome, August 19, 1902. A. L. CARD. STEINHUBER, Prefect. THOMAS ESSER, Ord. Praed., Secretary. August 20, 1902. I, the undersigned, witness that the aforementioned Decree was affixed and published in the City. Vincentius Benaglia, Mag. Curs.

[*Latin ed. p. 65*]

65 FROM THE HOLY CONGREGATION OF THE COUNCIL OF ORTONE, ON MATRIMONY, dated August 16, 1902. Session 24, chapter 5, concerning impediments to marriage. SUMMARY OF THE FACTS. Anna-Dominica, then twenty-nine years of age, on May 12th of the year 1892, before the parish priest of Crechii, in the diocese of Ortona, was joined in marriage to Camillo, having previously obtained from the Apostolic See a dispensation regarding the impediment of consanguinity in the second degree of the collateral line, and after a declaration had been made by the Archbishop, that the malice had sufficiently compensated for the lack of age in the groom, who was lacking four months and twenty days to complete his fourteenth year. Such a marriage had a most unfortunate outcome; for, as it is asserted, the marriage was concluded without any effort or consent on the part of Camillo, but solely through the persistent efforts and labor of his father. After the marriage began, the newlyweds returned to their respective homes, and, as it is asserted, conjugal life was never established between them; indeed, Camillo, who had shown no signs of love or affection towards the bride before the marriage, after the celebration of the marriage, never, as is said, spoke again with his wife or her parents. Therefore, this afflicted woman began to despise her husband, and in July of the same year, 1892, she fled with another man, and, with impious audacity, she entered into a civil marriage with him, as they say, on December 21, 1892, and bore him children. Camillo, having completed his military service, sent a humble letter to the Archbishop of Anxane, who has the administration of the diocese of Ortona, humbly requesting...

[*Latin ed. p. 66*]

66. From the decree of the Most Holy Council concerning the nullity of his marriage to Anna-Dominica, and subordinately, so that a dispensation might be obtained from the Apostolic See regarding the marriage which was valid but not consummated. The Ordinary, having favorably received the prayers of the petitioner, instituted a process both concerning the nullity and concerning the lack of consummation of the marriage; and upon completion of the process, he judged: "that there is no proof of the nullity of the marriage in this case, but there is proof of the lack of consummation,

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and therefore, he can safely petition the Most Holy See for a dispensation." Against this judgment, which was legally invalid due to the judge's incompetence, the defender of the marriage bond filed an appeal to the Holy See.

A Synopsis of the Case. Camillus is the plaintiff in this case, who, as a boy of 13 years, 7 months, and 10 days, under duress and threat, as he asserts, celebrated a marriage with his paternal aunt, Anna-Dominica, who was 18 years old, according to the Roman rite, before the parish priest of the diocese of Ortona on May 12, 1892. The validity of this marriage was already challenged at that time due to the coercion. In order that the truth may be illuminated with the most favorable clarity, and that a most prudent judgment may be rendered, it is necessary to summarize the history of the case chronologically from the beginning, as can be gathered from the records and a brief account.

Anthony, as he was the author of Camillus's birth, so also was he the principal and sole author of that marriage with Anna-Dominica. This incomparable father, whom the process demonstrates to be a man of rustic condition, of tenacious character, greedy for money, and very concerned about future affairs, had a brother, who had a single daughter, namely, Anna-Dominica. This unmarried young woman, having reached her eighteenth year, began to feel the desire to marry, and she showed a preference for anyone indeterminate, rather than for one particular person. Therefore, Anthony, fearing the dowry, and fearing that the dove might build a nest elsewhere and transfer her affections, resolved in his heart to make her a *VOW OF THEOLOGIAN*.

[*Latin ed. p. 67*]

ORTHONEN. He restrained, and without delay, bound the aforementioned daughter, Camilla, with a strong chain, who at that time was about thirteen years and six months old. Having made this decision, he proceeded to action, and carried out his plan with his own means. When the intention of the father, Anthony, reached the ears of the young Camilla, she, together with her mother, constantly expressed their opposition and abhorrence, both in words and deeds; and thus, both received anger, threats, and blows from Anthony. In this situation, the mother approached the Parish Priest, and implored him to use his authority to prevent this outrage, and to persuade her husband to cease this improper action. The Archpriest, who also seems to hold the office of a vicarious official, defended the rights of the minor, but, yielding to Anthony's will, he was a very willing and unjust accomplice in what subsequently occurred, as is evident from the records. Indeed, this Parish Priest, with great dishonor to his dignity, and with great injury to the Curia and the Holy See, readily approved of Anthony's conduct, and requested a dispensation from the impediment of the second degree of consanguinity between Camilla and Anne Dominica, under the following alleged reasons: advanced age of the

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woman, a grave scandal to be repaired, and serious evils to be avoided. The Curia of Ortonen, trusting in the testimony of the aforementioned Parish Priest, approved the request, and a grace was granted by the Holy Penitentiary, in the form customary for the poor, for the external forum, under given clauses for validity, especially if the aforementioned reasons are true, and if no other canonical impediment exists. The decree of the Curia regarding the recognition and enforcement of the Apostolic rescript does not appear in the documents presented, and yet, after obtaining the license from the Ordinary, the Parish Priest, through public proclamations, on the same day (May 10, 1892), carried out the marriage process, and, in the presence of the witnesses and, as he writes, with the consent of the parents, he examined the intentions of the parties. Then, he discovered that Camilla was four months and twenty days away from the canonical age of marriage. - This was noticed too late.

[*Latin ed. p. 68*]

68. From the records of the Council, the matter is quickly addressed. Within one day, the Curia of Ortona declares an exception to the presumed age of consent, to determine whether Camillus's agreement or will, separately from his relatives, was genuinely and effectively given. With these matters arranged, on the morning of May 12th, Camillus, resisting and lamenting, was first led to the sacrament of penance, and then, from there, was brought to the altar by his father, who strongly urged him to consent. There, after the rite was completed, Camillus fled from the company, and returned directly to his father's home; but from there, he was, by his father's authority, led to the wedding feast, and he steadfastly refused to look at the bride, or to associate with her, or to partake of food at the same table. Seeing this steadfast aversion of the bridegroom, Anna Dominica began to dislike him, and not many days later, she eloped with her first lover, and afterwards, with the advice of her father-in-law, within two months of the beginning of the marriage, she gave herself in marriage to another young man, under the sanction of civil authority, and has since become the mother of many children. Indeed, Camillus has always neglected her, and has not even remained with her alone for a few moments. But after fulfilling his military duties, he more firmly asserts that he has never felt any affection or even a slight love for his sister, and that he never had any intention of taking her as his wife; indeed, he affirms that, due to his young age, and the vexations and threats of his father, he gave his consent before the priest not freely and from the heart, but by force and externally only, and he proves this, apart from the oath, by the things that he did and said openly, both before and after the celebration of the rite. Regarding this matter, Camillus appealed to the Archbishop of Ancona, who has the administration of the diocese of Ortona, and, with a humble letter, urgently requested that the reasons presented by him be legally investigated, and that, if they are true,

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his marriage be declared invalid; but if not, that, for the sake of justice, the marriage be considered valid but unconsummated.

[*Latin ed. p. 69*]

69. that they might be of service. The Ordinary approved of this, and, as it was determined by the legitimately constituted tribunal, that, for reasons of nullity, the matter had been thoroughly investigated according to the exact norms of canon law and brought to its conclusion. Then, the Archbishop himself undertook to seriously consider the proceedings, and, after carefully weighing the weighty arguments presented by the proponents of nullity, and also after considering the observations made by the esteemed Defender of the Bond, which raised at least some doubt, he issued a provisional decree: "It is not clearly established that the marriage in question is null." Regarding, however, those matters pertaining to lack of consummation, he definitively concluded and judged that the said marriage was indeed not consummated, so that a dispensation could be safely requested from the Supreme Pontiff. From this judgment, the Defender, by duty, interposed an appeal; therefore, the proceedings were remitted to this Sacred Congregation. And these matters have been graciously entrusted to me, with all due consideration, so that I may faithfully report whether the judgment of the Ordinary requires correction, or not, in either or both aspects. Fathers, in order that what I think may be more clearly understood, I will briefly mention the arguments from the proceedings which demonstrate that the marriage in this case may have been invalid due to force and fear. Subsequently, I will freely expound the remaining matters, which strongly support a more prudent judgment, especially since certain circumstances are present, which, I believe, may even, from a different perspective, suggest nullity. After I have presented my opinion to you, I will gladly leave it to the judgment of your wisdom. There is nothing in the proceedings that, upon true observation, is not worthy of consideration; indeed, it is entirely and canonically sound. The witnesses brought by the proponent are almost all relatives of both parties; and those brought by the minister of the sacrament are equally numerous, endowed with suitability and strengthened by a sacred oath. As I have indicated in the facts, the principal witness, and rather the defendant, in the present case is, if I am not mistaken, the father of Camillus.

[*Latin ed. p. 70*]

7Q. From the decrees of the Council and its comparison, the parish priest seems not undeservedly to consider that the good faith of the superiors and the sanctity of the sacrament are being undermined. I do not disregard the principles of law, but I approach the matter according to those same principles. First, the nature of the parties involved is clearly revealed in the testimony of Camillus, as I noted above in the facts of the case; and

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further arguments relevant to this matter are presented below. Now, if full credence is given to what is gathered from the testimony of the witnesses, it is not easy for anyone to argue against the nullity of this marriage, since it is clearly evident from the records that Camillus experienced a grave fear, precisely induced by his father, to marry Anna Dominica. Indeed, Camillus, under the solemnity of an oath, testified that he had never, either by himself or through another, had any conjugal relations with Anna Dominica, and that he was very young at the time. In response to a question from the judge, who, without a doubt, prudently considered that it was more appropriate and wiser for the defender to investigate, Camillus replied: "My father did not tell me anything about the marriage that he was arranging, but rather he had my uncles tell me about it, and I always replied that I did not want to have the marriage." Nevertheless, the marriage was celebrated; but with whose will? The father of Camillus himself accuses himself under oath in this way: "The marriage was done against the will of my son, and I myself took care of everything necessary for the marriage, without my son being involved in it in any way." And that he did not seek the advice of anyone, the mother of the plaintiff confirms under oath: "The marriage was arranged entirely by the whim of my husband, the father of the groom." Moreover, because he had determined to carry out his will, he rudely rejected honest advice, as testified by Maria Iosepha, the aunt of the plaintiff. Furthermore, from the beginning, Camillus contradicted the determined will of his powerful and stubborn father, both in words and in deeds. But who...

[*Latin ed. p. 71*]

SECTION 71. He adduces an argument concerning the future, removing intention, and therefore consent, from the very future act, especially when the protestation is constant and persevering. For, since marriage is entered into through love, it is presumed that rational consent is lacking if mutual love has never preceded. But between Camillus, a minor, and Anne Dominica, who had exceeded six years of unmarried life, no love, nor any sign of affection, from which a future union might be inferred, is found in the records, but rather, on the contrary, hatred and aversion. In this, the other witnesses concur, and, answering the fourth question of the Judge, they affirm that they had never observed any mutual affection between them before the celebration of the marriage. But if an expressed and continued aversion to a certain state or person is, according to approved authors, a strong argument for a coerced will, how much more so if force or fear is added to the matter? And indeed, from the testimony of the plaintiff, threats are also present. "On the morning of the marriage, my father forced me, with threats, to go to the church and to say yes to the priest's question." The father himself, under oath, confesses: "Privately, I made threats to him to make him appear in the church to give his consent. In public, I tried

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to instill it in him through persuasion." However, even the mother, who was trying to defend her son's freedom, endured harshness and beatings. "I advised him to resist his father's will, and he replied that he could not, because his father beat him." From the testimonies presented thus far, it is not difficult to prove, according to the doctrine followed in practice by the Sacred Congregation of the Council, that in the present case, fear is present, which is called reverential fear; for the indignation and the father's obstinacy, which Camillus fears, both for himself and for his mother, are grave and long-lasting, and therefore of great importance in proving that force was used. And what is surprising or doubtful? If, indeed, the...

[*Latin ed. p. 72*]

72 FROM THE DECREES OF THE COUNCIL, it is clear that Roch, who, by reason of his pastoral office, ought to be strong and faithful, weakly yielded to the entreaties of Anthony. Furthermore, more evident arguments demonstrate, as it seems to me, that Camillus lacked the freedom of will required by law in the celebration of his marriage, while at the same time, he did not cease to elicit dissent and displeasure. Indeed, whether in the private exploration of his will before the Parish Priest, or before the altar in the celebration of the marriage, he was not free from coercion. The testimony of the Parish Priest himself bears witness to this. From this, it may be concluded, as is evident, that the Parish Priest also explored the will of the young man before his father, and did not fulfill his duty; for he did not diligently and cautiously, and in secret, explore with the bride, whether she freely and willingly, with true consent of mind, agreed to such a marriage. And he ought to have done this with even greater caution and secrecy; for he knew from the mother's prayers how much the boy Camillus abhorred such a marriage. But it is now proven how yielding and easily swayed this Parish Priest was. Therefore, it is rightly to be believed that Camillus proceeded to the rite without complete freedom and security; because, until the altar, he was associated with his father, and therefore, it is presumed that fear persisted as long as his cause remained. But more is found in the records relevant to our purpose; there is present the most feigned consent and a manifest declaration made by Camillus, who immediately and without delay, after the rite was celebrated, fled to his father's house, and asserted that he had only pretended to consent. And Camillus did not abandon this persistent abhorrence for some time afterward; but he continued to emit complaints and protests. And indeed, all the testimonies confirm that Camillus never had any conversation or solitary exchange with Anne Dominica. The sorrow of Camillus reached such a point that he intended to take his own life. This is extracted from

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the testimony of Jovina N., introduced by the Defender.

[*Latin ed. p. 73*]

ORONEN. 75. Hitherto, I have not recounted anything from the bride in the proceedings, because she was questioned, as was fitting, about matters that preceded the event, and especially whether Camillus had freely and willingly given his consent. However, with regard to the testimonies recently presented, I believe it is appropriate to bring forward something that she revealed to the judge, namely, that after the marriage, she testified that no signs of love or affection had existed between them, because she had never lived with Camillus nor had any familiar intercourse with him. Therefore, it can be inferred without hesitation that the consent of Camillus, expressed by the word "if," was not true and sufficient for the validity of the sacrament; because the witness, with supporting evidence and conjectures, proves this well. Indeed, it is certain that fear, if it possesses the required conditions, can invalidate a marriage, even if the party experiencing the fear simulates consent during the very act of marriage. What has been recounted thus far appears precise and urgent, and seems to make the judge morally certain that the consent in question was not present, which is necessary for the validity of the marriage. Nevertheless, if I am not mistaken, a stronger piece of evidence is derived from the specific facts of the case; for the due deliberation, which is imposed by law when entering into marriage, is lacking, apart from the obstacle of the parents' imprudence, also because of the protection afforded by age, which has been solemnly decreed by canon law itself. The Church instituted the impediment of age, first, because before puberty, the ability to understand and the capacity for deceit are presumed not to be present for a valid marriage; and although this presumption may be contradicted, it will nevertheless be necessarily weaker; second, because many reasons suggest that marriage should not be permitted to young people before the actual power that usually comes with that age: indeed, it is often far from advisable to enter into marriage immediately after puberty. Concerning the matter, De Justis writes: "The canons prescribe the age of 14 for males and 12 years for females, because at that time, and not before, it is regularly presumed to be present not only the ability to give marital consent, but also the ability to have intercourse." Therefore, the impediment.

[*Latin ed. p. 74*]

74. FROM THE HOLY GENERAL COUNCIL, that is, from natural law, discretion of mind is required in both or either party before entering into marriage, which in the external forum is not presumed before puberty, unless it is proven. "For consent is also necessary, and without it there would be no marriage, unless in that infant there is also the greatest discretion" (Sánchez, Book VIII on Marriage). That is to say, such discretion

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must be present, which is sufficient to give that consent which must endure perpetually (D. Thom., I, c. ad 4). However, this is only a matter of ecclesiastical law, if both are minors and, in fact, against the presumption of the law, possess the due discretion of mind, and in one of them, the actual power of procreation is lacking. To determine this, it is not the duty of the parish priest, but of the Ordinary, or the Apostolic See; for Benedict XIV states in his Constitution *Magnae Nobis*: "This declaration should rather be said than a dispensation, since the power to contract marriage before the prescribed age is derived from the very disposition of the laws and canons, whenever malice makes up for age. Indeed, even the Bishops themselves and the local Ordinaries can, by their own right, pronounce on this question, namely, whether malice, as it is asserted, makes up for age, and consequently, whether permission to contract marriage can be granted. It is not necessary to appeal to the Apostolic See, unless for a greater solemnity of act, etc." But if a boy or girl is very far from the age of puberty, it is safer to appeal to the Apostolic See, as is indeed commonly done, which has the power to declare and dispense, if only the actual power of procreation is lacking. Fagn., I, c., n. 32; Giovine, I, § 293, n. 3. Furthermore, a reasonable license is fitting to be granted for edification; and therefore, the bishop or Ordinary, when informed of the facts, that is, whether in such a minor malice makes up for age, should act prudently, and follow the rule which the Apostolic See usually prescribes to the bishop or Vicar General when they appeal to it to obtain this declaration: Therefore, not in a judicial form, but extrajudicially and effectively, truly and legitimately by the Ordinary.

[*Latin ed. p. 75*]

ORTONA. / It must be inquired, either directly or through another, 1st, whether there has occurred an actual power of procreation; 2nd, whether there exists a clear understanding of the mind, by questioning the minor separately from relatives, whether he wishes to marry and to whom, whether he understands not only the force and nature of consent, but also the dignity and obligations of marriage; 3rd, it must be certainly examined whether the minor enjoys full freedom and understanding; this is done by ascertaining whether he is induced to marriage by force, fear, flattery, or promises. And if necessary, even witnesses must be heard, and all questions and answers must be recorded in the proceedings. However, I am weary, this true and legitimate inquiry is lacking in our case; for in the decree, issued by the Curia of Ortona, only this is found: "It is known that His Excellency, the Archbishop, because malice makes up for age, has decided that the marriage may be celebrated, although the groom is lacking 4 months and 20 days to reach the age of 14." It is noteworthy that the groom and his relatives reside in the town of Crechii, while the Vicar General of Ortona, the Archbishop of Anxani, is in Anxani; and yet, on May 10th, permission to marry is denied: "On May 10th, it was written

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to the parish priest that, since the groom has not yet completed his 14th year, permission to marry cannot be granted." And after only one day, it is granted: "On the 11th, having declared that he will grant the dispensation for the 4 months that are lacking to reach the age of 14, because malice makes up for age." As I see it, unless something deceives me, at least the ineptitude of the parish priest and the greedy cunning of Father Anthony deserve to be attributed such deception or fraud. On the very same day, after these contradictory pronouncements, and after declaring that nothing prevents the marriage, the Curia of Ortona is informed. And on the same day, the Vicar General writes that permission to marry cannot be granted, due to the minor's age; but on the following day, May 11th, it is granted, based on the declaration of the Archbishop, and thus, on the morning of May 12th, this unfortunate and ridiculous marriage is carried out. Therefore, it is probable that such haste and recklessness in proceeding without reasonable grounds are the cause.

[*Latin ed. p. 76*]

76. From the Sacred Canons, it is permissible to appeal to the Parish priest; who, however, must only, based on his own judgment and under the influence of Anthony's persistence, present the arguments from which the Court declared an exception against the presumption of law. Oh, certainly, four times over, the good faith of the Parish priest, who, at the last hour, awoke to the fact that Camillus was a very young man, whose freedom from impediments to marriage, and his condition suitable for marriage, had already been declared in writing! But no one should be deprived of their right due to the ignorance or fault of another. And indeed; in the present case, no urgent public or private reason exists, not only for requesting Apostolic grace, but also for the Ordinary to summarily issue a declaration of a canonical exception. Furthermore, it is highly doubtful that in Camillus, the actual capacity for procreation actually arose simultaneously with such discretion, which would be sufficient to understand the obligations and force of marriage. Therefore, from where did that malice arise that supplanted age in Camillus? Perhaps from the culpable indulgence of the Parish priest and the shameful avarice of Anthony. Therefore, from what has been said, it is clearly evident that the ecclesiastical impediment of age does not admit of an exception in our case, since, apart from a just and urgent reason, it was necessary to present an inquiry of the facts by the Ordinary, either by himself or by another, which was duly and legitimately carried out; which, due to the greatest good faith, was left to the private judgment of the excellent Parish priest. Already, from one or another cited testimony, it is more likely to be gathered that Camillus also lacked the sufficient mental discretion required for marriage; but he himself, apart from his parents, testified in court with his own conviction. Furthermore, the hasty concern and unconsidered haste in removing what hinders the

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celebration of marriage, most strongly demonstrate and confirm the moral coercion that Camillus, who was about 5 months away from puberty, suffered from his father. For he, of his own will and tenacity, acted towards his unsuspecting and unconsulted son, solely with the consent and through the Parish priest, obtaining a dispensation from consanguinity and from the impediment.

[*Latin ed. p. 77*]

REASONS. Ortonen sought to obtain a declaration of nullity without truth or reason, when there was no danger in delaying the proof and declaration of the premature malitia. And indeed, besides what I have previously stated, which is less wise, another matter also arises, for the sake of truth and justice, and also for the honor of the Apostolic See, which must be considered. To anyone reading the proceedings of the present cause, it is easily apparent that the reasons adduced to refute the impediment in the second degree of consanguinity, both in the time of prayers and in the time of the concession, did not exist in our case. Indeed, the argument is plain: only three canonical causes were found by the Parish Priest, which he reported as authentic to the Ordinary, who commended them to the Most Blessed [Pope], namely: the need to repair a scandal, the avoidance of grave evils, and the age of the Oratrix being too advanced. It is astonishing! The impediment of legitimate age was tacitly left unaddressed, not through simple inadvertence, but because the Parish Priest, examining the genealogy from the baptismal records, did not discover that the Oratrix's age was not too advanced, and that the Orator's years were too young, since Camillus was then barely thirteen and a half years old. Gregory XVI, in his letter of November 22, 1836, commands that the Bishop must expound the truth and gravity of the cause before a dispensation in the second degree is requested, and then to commend the orators. This, indeed, can be done through the Vicar, or usually through the Parish Priests; but what is to be thought of in our case, concerning the Parish Priest, who himself conducted the very process of liberty, the day before the marriage, that is, a month after the requested dispensation? Let it be known to no one that the reason of being of advanced age is considered valid when a woman has already passed her twenty-fourth year of natural life. But Anna Dominica, on the day she celebrated her marriage, lived only eighteen years and two days, therefore, objectively and without doubt, the reason of being of advanced age, presented in the prayers, was false. Nor was she relatively of advanced age, due to the narrowness of the place; for the Oratrix, being in the prime of her youth, could have...

[*Latin ed. p. 78*]

78. To find a man of equal standing to whom she might prefer to marry, before exceeding her twenty-fourth year, is a thing easily done. And this

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is not a vain supposition, but a fact widely reported in the records; for within two months of the celebrated rite, Anna Dominica had two young men, with one of whom she eloped, and with the other she entered into marriage under civil law and bore children, and with the latter she still desires to remain. Another reason also seems false, namely: to repair the scandal. She would have said: to stir up scandal; for that excessive familiarity, or dangerous cohabitation, from which scandal most often arises, as far as Camillus is concerned, all witnesses completely exclude. The third reason, that is: to avoid grave evils, is entirely contrary to the truth, as the event proves. Before this marriage, there were no serious enmities or disagreements between relatives; but they arose due to coercion and obstinacy between father and son, between husband and wife, between the betrothed. And it is superfluous to say that such clauses expressly reveal conditions without which the entire force of the dispensation vanishes. But not only were the reasons presented objectively false, but they also contradicted the canonical law regarding the defect of age, and it makes no difference... whether it was done in good faith or bad faith, it was written in the petition. Who would dare to doubt that the Sacred Penitentiary denied grace from an impediment in the second degree of consanguinity, if he knew that at the time of the concession, Camillus lacked only five months and nineteen days to reach the canonical age of majority?

OPINION OF A CANONIST. It has always been the law in canon law that marriage should be entered into freely by the consent of a man and a woman. Since marriage is the origin of the human family and involves perpetual obligations, it has been considered by the sacred canons to be an act of counsel and choice, from which all fear and suspicion of coercion should be completely removed. Indeed, it is certain that fear, if the conditions are met, can invalidate the marriage, although whether it is invalidated by law at that time, whether it is natural, or rather, only positive, is a matter for the Church to determine.

[*Latin ed. p. 79*]

SECTION 79. There is a great difference of opinion among the Doctors. The principles of law concerning the freedom of marriage are clearly stated by Alexander III (chap. XIV, *De spons...*): "Where there is no place for consent, where fear or coercion intervenes, it is necessary that, where the consent of someone is required, the matter of coercion be repelled. Marriage, indeed, is contracted solely by consent, and where this is questioned, that person must enjoy full security, whose mind must be investigated, lest, through fear, he say that he approves of what he hates, and that the consequences which usually follow forced marriages may occur." The fear which can invalidate a marriage is that which is said by law to fall upon a constant man (chaps. XV, XXVIII, *De spons...* and chap. VI, *De iis quae vi metusque causa fiunt*), so that this expression, when placed in the proverb,

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means nothing other than grave fear. I say grave, whether absolutely or relatively, for, according to the common opinion of the Doctors, when considering fear, the quality of the persons must be carefully considered, since, indeed, grave fear is more easily aroused in children and women than in men. But the question is closer to us concerning the fear which, when it arises from the reverence which we owe to our parents, is called reverential fear. Under such a fear, children, even unwillingly, often consent to the will of their parents. And although, generally speaking, reverential fear is mild, and it often happens that children of the family, when it is a question of marriage or some other serious matter, resist the will of their parents, and embrace what they prefer, nevertheless, when threats or blows, or importunate and insistent persuasions are present, and, moreover, there are, on the one hand, harsh and rigid methods, and, on the other, a small and weak mind, the fear thus conceived becomes so grave that it can invalidate the marriage. "Although reverence alone," says Reiffenst. (I, XL, n. 95)... And to omit all the others, it is enough to hear the most learned Engel (IV, 1, § V, n. 4), who says: "In this question, setting aside the opinions of others, I briefly state that reverence due to a superior cannot be indiscriminately equated with imposed fear, otherwise there would be no place for..."

[*Latin ed. p. 80*]

80. "De contractu matrimonii in praesentia parentum, si praetensione reverentiae, quaelibet cavillatio concederetur. Si autem praeter reverentiam alia etiam adminicula concurrant, ex quibus colligi possit aliquem revera fuisse invitum; ut periculosae minae, importunae persuasiones, et ut verbo dicam si modesta contradictio nihil iuvisset, tunc metus reverentialis etiam pro iusto metu habendus erit." (Confer. Santi IV, 1, n. 144; Clericatus Dec. 37, n. 24; Pignatelli Som. IX, caus. 130). In quaestione vero de qua agimus, mihi videtur exposita modo theoria suam nancisci applicationem. Res enim est de adolescentulo qui nondum decimumquartum aetatis annum complevit, et cogitur a patre ad ineundum matrimonium cum muliere, quam affirmat sibi repugnasse ratione cognationis intercedentis inter eos. Sponsa autem profitetur se libenter contraxisse hoc matrimonium, sed queritur de ratione agendi Camilli, qui nunquam ei dedit affectus et benevolentiae signa, quin immo cum ea nec conloqui voluit tum ante tum post matrimonii celebrationem. Metum fuisse incussum filio paucis verbis innuit pater sponsi, explicite affirmat mater. Repugnantiam, quam circa hoc matrimonium experiebatur Camillus, amicis et cognatis ante et post matrimonii celebrationem significavit. Quin immo pravum propositum manifestasse aliquando Camillum affirmat Rosa affinis coniugum. Verum quidem est parochum coniugum affirmare Camillum voluisse contrahere matrimonium, sed malo fato, parochus, ut patet ex actis, exquirit voluntatem pueri, patre praesente, quem quantum metuebat filius apparet. Ex quibus omnibus haec mihi certa videntur: 1.° Magna

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semper fuit Camillo repugnantia relate ad hoc matrimonium, ut apparet ex tota eius agendi ratione erga sponsam, tum tempore praecedenti ad matrimonii celebrationem, tum in eius celebratione, tum etiam postea; 2.° Haud haec repugnantia movit patrem ad meliora capienda consilia: quin immo;

[*Latin ed. p. 81*]

SECTION 81, 3.° By his authority, he used threats, and even blows, against a young son who feared his father, in order to compel him to accept the marriage; and against the mother, to persuade her to consent. What more do the law and the Doctors require to establish that the gravity of the fear invalidates the marriage? Furthermore, from the acts and testimonies, it does not appear what arguments were presented to the Ordinary to declare that malice had supplanted age. Indeed, the Church does not recognize any marriage contracted before puberty, which the Sacred Canons, adhering to the laws of the romans, presume to exist, namely, in men at the completed fourteenth year of age (Cap. 10 and 11, Vol. II, Part IV of the Decrees) and in women at the twelfth (Cap. 6 and the last of the same volume). For Nicholas, the Pope, in Cap. 2 of the cited title, says: "We strictly forbid that anyone, whether both or either, has not reached the age determined by the laws or canons, be joined in marriage." However, to this general rule prohibiting marriage before the legitimate age, the following limitation has been added: unless malice supplants age. "If those who are betrothed at a younger age are so close to the age of puberty that they could have intercourse, they should not be separated on account of their young age, if one has consented to the other, provided that malice appears to have supplanted age in them." Therefore, malice which supplants age is actual power to procreate, accompanied by the due exercise of natural reason. From these things it is clear that puberty is either legal, derived from age, or natural, derived from malice; and the entire school of Canonists teaches that both are sufficient for marriage. Cf. Ferraris, v. Matrimonium; Reiffenstuel, Lib. IV Decr., Vol. 2, n. 6. It belongs to the Bishop to declare whether, in a given case, malice has supplanted age. For Benedict XIV, in the Constitution Magnae Nobis, dated June 29, 1748, says: "The Bishops themselves and the Ordinaries of the places are empowered by their own right to pronounce on this question, namely, whether, as is asserted, malice has supplanted age, and consequently..." (The sentence is incomplete in the provided text).

[*Latin ed. p. 82*]

"£2 ex S. C. CONCIMI contrahendi licentiam impertiri valeant." Concerning the granting of a license to contract marriage, when the aptitude for marriage is presumed to be lacking due to a deficiency in age, it cannot be presumed, but must be conclusively proven, and in order to issue the

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declaration of which Pope Benedict XIV speaks, it must be established, by the common judgment of theologians, that the actual power to procreate, due discretion of mind, full freedom, and awareness are present. The first [of these conditions] is presumed either from having had intercourse, or from the ability to have intercourse, from the emission of semen in the man and from menstruation in the woman, and from other signs; the second is ascertained by examining the minor, who must be questioned as to whether and with whom he wishes to contract marriage, whether he understands the force and obligations of marriage, whether he knows that he is able to bear them, etc.; the third is finally demonstrated by the absence of force and fear, flattery, and promises, etc. Having these things ascertained, the Ordinary grants a simple license to contract marriage. Indeed, with regard to the Camillus who contracted marriage, although he lacked four months and twenty days to reach his fourteenth year of age, no trace appears in the documents of any inquiry made regarding the existence of malice, which would have supplemented his age. Rather, if one may draw a judgment from the very documents, it must be said that the matter was handled very carelessly and untimely. But even if it cannot be conclusively proven from the documents that the marriage is null, this, to me, seems to be a manifest flaw of deception in the dispensation granted regarding the second degree of consanguinity in the collateral line. For the condition that must certainly be understood in all rescripts is this: "If the petitions are based on truth" (cap. 2, X, L 1, t. 3; Riganti in Reg. 61, Canon. Apost.). When a false statement is expressed in the petition, the dispensation is considered deceptive. Indeed, Innocent III, in the famous cap. 20 de Rescriptis, lays down a general principle for obtaining any grace, which, according to the better interpretation of theologians, in the case of deception, applies as follows: If the cause is falsely expressed in the petition, without which the superior would not have granted the grace, then this is null by law; otherwise, it is valid in the common form. In the petition -

[*Latin ed. p. 83*]

ARTICLE 85. Concerning the obtaining of dispensations from matrimonial impediments, according to the Instruction of the Sacred Congregation of the Propagation of the Faith of May 9, 1871, the reason for the dispensation must be stated. If the reason presented is false, and this is the only reason in the case, or even if, besides this, there are other true reasons, but each one individually is insufficient, the dispensation is invalid; on the contrary, if, besides this, there is a true and sufficient reason in the case, the dispensation is valid (cf. Gasparri, *De Matrimonio*, vol. 1). Now, in the present case, a dispensation was requested concerning the impediment of consanguinity of the second degree, to obtain which three reasons were presented: the advanced age of the woman, the need to repair a scandal, and the avoidance of grave evils; all of which are fanciful. But, assuming

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the validity of the marriage, was this marriage consummated? For the man, unable to obtain what he desires through the path of justice, attempts to obtain it for himself through the path of grace, namely, by asserting the lack of consummation of the marriage, and therefore implores a dispensation from the Holy See. The lack of consummation of marriage is considered proven in our law when both spouses, who are worthy of faith, unanimously declare it, with the testimony of seven witnesses (arg. cap. *Laudabilem de frig. et male f.*). Indeed, in this case, we have not only the sworn testimony of the spouses, along with attestation of their veracity and religion, but also the unanimous testimony of all the witnesses, who are worthy of faith, from whom, although some maintain that the marriage was validly contracted, all nevertheless certainly affirm that it remained unconsummated, either due to the intention of the father of the bride, who had conceived of allowing his son to marry after the completion of his military service; or rather, due to the invincible aversion of the bridegroom towards Anna Dominica. With all of this established, I do not see how it can be doubted that the marriage remained unconsummated. For, according to what is demanded by the sacred canons, in order for the truth of the lack of consummation to appear, there must be a peremptory affirmation from both spouses, made under oath, according to the Gospels.

[*Latin ed. p. 84*]

84. Having been confirmed by the Most Holy Council, and with witnesses who swear and solemnly attest to the truth and fidelity of these matters, as we have seen. However, in the present case, an examination of the woman's body is lacking. But this examination is impossible in this case, because the woman was known to another man, to whom she also bore children.

OBSERVATIONS IN DEFENSE OF THE SACRED BOND OF MARRIAGE. In the present cause, submitted to your most wise deliberations, I am astonished and disturbed by the attempts to undermine the sacred rights of marriage, in that the marriage between C and Anne Dominica is accused of nullity: first, on the grounds of force and fear; second, on the grounds of consanguinity; third, on the grounds of lack of maturity; and finally, on the grounds of a supposed impediment, so to speak, due to lack of consummation.

Most learned Consultors, the Canonist most skillfully defends both the nullity and the lack of consummation of the marriage. The Theologian, however, maintains that the nullity is so evident that it seems superfluous to even mention the matter of lack of consummation, except in conclusion and in passing. Nevertheless, not a single argument arises from the records regarding either doubt, nor is there presented any effective proof to the contrary, as I now endeavor to demonstrate, following the most venerable mandate of the Most Holy Congregation.

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And first, the alleged nullity was dismissed by the Court of Ortona, which, with diligent effort, conducted the proceedings and on July 10, 1901, pronounced: "It does not clearly appear that the marriage is null." And indeed, not without good reason: Certainly, the impediment of force and fear is alleged by the Plaintiff and his parents, as well as by the Defendant and her relatives (although not by the parents of either party, whose depositions are entirely lacking in the records, and for which no explanation is offered). That is to say, the impediment is alleged by both parties who have an interest in the matter; whereas, on the contrary, the witnesses, of whom there is no suspicion of partiality, or who are of greater weight due to their dignity, testify to the contrary, as can be seen in the summary, and specifically in the deposition of the Parish Priest.

[*Latin ed. p. 85*]

SECTION 85. Witnesses, Valentini Scarinci and Iovinae Masci, testified that they knew "that the marriage was a true marriage," and Joseph Gentile stated "that the marriage was validly contracted." Furthermore, both the spouses and the witnesses of the Plaintiff vehemently deny that any act of violence or circumstance suggesting violence occurred. Moreover, the evidence presented does not demonstrate nullity; it is not ambiguous, nor is it weakened, nor is it inconsistent, but rather it is adequate and, in its kind, perfect, which is entirely lacking in the present case. Another ground for nullity, namely consanguinity, has also been removed, through an apostolic dispensation duly requested and properly obtained. The esteemed Consultees strive to demonstrate that this dispensation, which they claim was obtained fraudulently, constitutes a radical nullity. However, in opposition to this: even if the cause of the alleged lack of adult consent were absent, another cause remains, namely the need to prevent scandal; for the Parish Priest, well-informed about the affairs of the parish, certainly knew or prudently feared that, if the young people, hitherto united in mutual affection, were not joined in a legitimate marriage, there would be scandal; and a third cause remains, namely the avoidance of grave evils, if the parents of the girl had certainly and with good reason suffered the most grievous negotiations to be broken off, when they had sought to separate their daughter from another young man who desired her, in order to conclude a marriage with the Plaintiff: divisions, quarrels, disputes, and vindictiveness between families, especially in small towns, are certainly grave evils to be avoided. Furthermore, the asserted nullity based on the ground of age fails, due to the proven license granted by the Ordinary for the marriage to take place. However, the most learned Consultees, while they cannot deny that the Bishop rightfully exercised his authority in this case, as established by all authors and especially by Benedict XIV, leave nothing untried to demonstrate that such a license was "given very carelessly and

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untimely," as stated by an eminent Canonist, or...

[*Latin ed. p. 86*]

86. EX S. C. CONCILII, ita censetur quod hoc adscribendum sit non nisi levitati et praecipitantiæ ipsius Parochi, ut egregius Theologus censet. At, salva, tantis Viris debita reverentia, inaniter ibi congeruntur argumenta, et deductiones extra campum vagantes: quaestio etenim, tota quanta est, ad simplicissimos terminos reducitur, videlicet: An Ordinarius ullam prorsus habuerit rationem iudicandi quod in isto determinato impubere, maturitas de facto adfuerit sufficiens ad rite contrahendum matrimonium? Negant sagacissimi Consultores qui neutiquam dictum iuvenem norunt: affirmat Episcopus qui eum, per Parochum, ut praesumitur, perbelle novit: *cum Episcopo in casu standum esse quis diffiteri vellet?* Mira decantatur dicti iuvenis ingenuitas, quippe cui propter tenellem aetatem, officia coniugalia non minus ignota erant ac numerus stellarum. Ecce, amabo, si tantae fuerit simplicitatis, animum suum et cor suum ita converterit ut puellam hucusque habitam tanquam sororem abominatus illico fuerit tanquam propositam uxorem? Ecce, si consensus matrimonialis gravitatem nequidem intellexerit, dictum consensum non emiserit nisi post repetitas genitoris instantias? Ecce, si rei uxoriae penitissime ignarus extiterit, Annam tanta cura devitavit, ne scilicet ipsius illebris devictus, calentis iam virilitatis, succumberet impulsibus? Stat ergo, contra supraque praetensas nullitates, conclusio quam Vice-Parochus utriusque coniugis haud insipienter sic expressit: « Io non vedo motivo, per cui non debba ritenersi valido questo matrimonio ». Utrum vero secundioribus auris procedat inconsummatum? Deest in themate absoluta illa certitudo quae dici potest physica, quaeque scaturit tantum ex demonstratione de coarctata: nequidem enim tentatum, nec tentari poterat, demonstrare quod neoconiuges, solus cum sola, nunquam permanserint. Deest pariter certitudo physiologica, quae nempe suppeditata ex inspectione corporali mulieris, adulterinis amplexibus paulo post matrimonium deditae.

[*Latin ed. p. 87*]

CHAPTER 87. But, at least, if only that which remains, can a moral certainty be held in this case, a certainty that is sufficiently firm, sufficiently proven? By no means, Most Eminent Judges. For this moral certainty is ultimately founded upon the honesty and sincerity of the parties, as well as upon the unquestionable credibility of the witnesses. However, from the group of witnesses who are honest and therefore credible, I unequivocally exclude the following: First, the Actress, that is, the Accused, who, considering herself to be Camillus's true wife, nevertheless, through a double act of deceit, was entangled in scandalous loves, and who is now civilly bound and a mother, and to whom no lie is too great, no devil of hell too terrible, in order to finally escape from the legitimate bond. Secondly, the

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father of the Actor, who, driven by sordid greed, prepared everything for his designs, and who now, having been deceived in his hopes, confesses his misdeeds and amplifies his deceptions. Thirdly, the mother of the Actor, who, although fully persuaded that "the marriage was a true marriage," nevertheless, in order to free her son, incited the wife to flee with another young man, and she urged Iovina N. to persuade a certain young man to abduct Anne-Dominica; and that Iovina, despite her conscience objecting, induced that very young man to commit the abduction. As for the other five witnesses, they affirm the lack of consummation abruptly, that is, without any explanatory reason for their assertion; one, Elizabeth, the sister of the Actor, then a young girl of ten years, mechanically recites her testimony, like a parrot; the Parish Priest repeats the assertion of the lack of consummation from Camillus's tender years, although he had previously asserted that he was fit for conjugal duties; the Vice-Parish Priest is "morally certain of the lack of consummation," but does not offer any reason for such an assertion; and finally (which is certainly most singular!), two witnesses maintain that the marriage was not consummated because the current lover of Anne found her intact: that is, after her previous flight with another lover! Therefore, ultimately, we have only one and unique proof of the lack of consummation, namely, the assertion of the Actor. And so?

[*Latin ed. p. 88*]

88. Of this, however, let this suffice to show that the Most Reverend Fathers, with prudent and safe judgment, have considered the matter of the unconsummated marriage. A most diligent canonist rightly observes that the procedural tables concerning unconsummated marriages suffer from a flaw of nullity, and he urges their correction; but I consider it better and more in conformity with the law to impose a new process in such cases, denying any remedy, and to have it formally completed. And indeed, it has happened more than once that, when a canonical process concerning nullity is begun, the case is decided as a simple informative process concerning unconsummation, and then the Sacred Congregation approves or ratifies the proceedings; but in our case, the cause is presented, from the very beginning, under the guise of both nullity and unconsummation, and the Tribunal, with equal authority and with equal steps, does not hesitate to conduct the process under this twofold aspect, and indeed has issued a formal judgment concerning unconsummation: there, therefore, is a clear usurpation of pontifical law! Finally, it seems that an observation, so to speak, taken from an external source, should not be passed over in silence: The wife, in the present case, "in the eyes of the Church," and with the observance of canonical prescriptions, publicly contracted marriage; afterwards, she entered into a union, only by civil rite, with another man. Consider, then, what will happen if the first marriage, whether by a judgment of nullity or by dispensation, is easily dissolved, it will be easy for all the

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inhabitants of Crecchia to conclude that now there is "a marriage truly and really contracted" – "a marriage that must be considered valid" – "a marriage that must be true" – "that was a true marriage" – "that was validly contracted," as the witnesses testify, and that it lacks no strength unless it is confirmed by civil rite; whereas, on the other hand, the adulterous concubinage, sanctioned by civil law, clearly paves the way for a legitimate union. With these observations, the following points must be clarified:

I. Whether it can be established that the marriage is null in this case. Negative. And...

[*Latin ed. p. 89*]

RIPANA, 8th of November. Whether it is permissible to grant a dispensation concerning a marriage that has been consummated and not consummated in a certain case.

RESOLUTION. The Sacred Congregation, after discussing the matter on August 16, 1902, decided to respond as follows:

To the first question: Affirmative.

To the second question: Provided for in the first.

FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS OF RIPANA, of the Rights.

Date: November 27, 1901.

In order that an educational institution and school for young girls might be established in the coastal town of S. Benedict del Tronto, within the diocese of Ripana, an agreement was made on April 22, 1889, between the Reverend Father Peter Panfili and the Sisters Dorothea, Joseph Beau, Clotilde Giannoli, and Clotilde Francia, members of the Congregation of Religious Sisters.

The Reverend Father Panfili agreed to lease to said Sisters or Institute a house, which was then under construction, for a suitable annual sum, for a period of thirty years, and to deliver it to them in the month of April, 1890. This house was to consist of three floors, commonly called "piani," and not include the lower floor or ground floor, and an upper covered walkway, commonly called a "loggia." Furthermore, the house was to be equipped with everything necessary for the habitation of a college of 60 persons, namely, a kitchen, a wine cellar, dining rooms for recreation, and other things of the same kind. The expenses for the maintenance and repair of the building, and the taxes, were to be borne by the lessor.

On the other hand, the Sisters agreed to pay an annual rent of 2500 *lire*, under the following conditions: As long as the number of students in the college did not exceed 15, the lessor could not receive anything from the aforementioned agreement.

SUMMARY OF FACTS.

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[*Latin ed. p. 90*]

90. EX S. C. EPISC. ET REGUL. mensua pensione libellarum 40. Puellarum vero numero adaucto, Locator Panfili recipit, deductis expensis pro ipsarum manutentione, reliquum pensionis, idque usque ad concurrentiam libellarum 2500: item, favore locatoris, cedere debebat alter proventus ex puellis scholae externae. In hypothesi vero quod numerus puellarum infra numerum 15 ita tenuis esset, ut pensio ab eis persoluta, comprehenso etiam introitu ex puellis externis, impar esset ad coaequandas expensas pro manutentione, sacerdos Panfili sese obligavit ad supplendum expensis de proprio. Tandem cautum est ut praefata conventio vim suam exereret a die 1 Aprilis 1890. Quod si infra septennium ab hac epocha numerus alumnarum non pertingeret ad 15, sicuti etiam in hypothesi vis maioris, sorores mandatariae Dorothae sibi reservabant facultatem relinquendi Institutum seu novum Collegium. Quoniam vero juxta initam conventionem ratio computandi quotidianas expensas desumi debebat ex media victus et manutentionis pro unaquaque alumna post anni experimentum, hinc die 1 Septembris 1890 ad obtruncandam quamcumque difficultatem, altera inter partes successit conventio; nempe expensae pro victu et manutentione designatae fuerunt in libellis menstruis 30, ita ut reliquae libellae 10 in pensione puellarum ultra numerum 15 cederent in persolutionem locationis, semper tamen ad concurrentiam statutae responsionis libellarum 2500. Haec conventio, quamvis non fuerit subscripta, tamen executioni fuit demandata, quia ad ipsius tramites pensionis seu locationis solutiones peractae sunt. Res amice cessit inter partes usque ad annum 1896, quo superveniente morbo contagioso inter alumnas, Institutum claudendum fuit. Verum morbus cito disparuit et in successivo mense Octobris eiusdem anni, Collegium iterum fuit instauratum. Ex hac epocha dissensiones coeperunt inter sac. Panfili et Sorores Dorothaeas, et plures quaestiones exortae sunt. Prima controversia fuit circa solutionem pactae pensionis libellarum 2500.

[*Latin ed. p. 91*]

RIPANA 91. As the income from the girls was increasing slowly, and the number did not reach 16, the sisters refused to pay the agreed-upon rent; on the contrary, Father Panfili insisted on receiving the full amount as stipulated. Another question arose concerning repairs and other extraordinary expenses incurred due to illness; Father Panfili maintained that these should be borne by the sisters; but they refused. Furthermore, Father Panfili wished to establish a normal and complementary school in the college, and that the building of the college be made available for sale; to this, the sisters opposed these proposals. The situation became so strained that the sisters even requested the termination of the contract based on the clause of *force majeure*, according to the agreement of 1889. To reconcile the parties, two other conventions were proposed in the years 1897 and 1898; but neither

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of these achieved the desired outcome. Finally, Father Panfili brought the entire matter before the highest authority, the Most Holy Congregation of Bishops and Regulars, which responded on July 20, 1900, stating that it was clear from the decrees that the contract of April 22, 1889, remained in force; and that it was desirable to reach an agreement regarding the execution of said contract. However, this agreement could not be reached, even though the Most Reverend Cardinal Protector of the Sisters intervened with his office and efforts. Indeed, since the sisters had suspended payment of the pension from the year 1897, Father Panfili presented another appeal to the Most Holy Congregation, which referred the matter to the prudent judgment of the Most Reverend Protector. - In the meantime, the same Most Holy Congregation, in the name of the aforementioned Sisters, ordered the aforementioned Superiors to pay to Canon Peter Panfili the sum of three thousand livres, reserving the right to proper accounting at the appropriate time. Although the Most Holy Congregation was quite lenient, another question arose; the sisters owed Father Panfili the sum of 5834.66 livres, which amount had been given to him as a down payment for the small house in which Father Panfili resided, and for the sale of the building of the Institute to the same sisters, a sale which, however, had not yet been completed.

[*Latin ed. p. 92*]

92 FROM THE SUPREME EPISCOPAL AND REGULAR TRIBUNAL: Petitions were presented so that Father Panfili might retain his credit concerning a portion of the aforementioned sum. Since this did not please the priest Panfili, another appeal was made to the same Supreme Congregation, which decided to resolve all matters with its supreme judgment. Synopsis of the Discussion. SAINT DOROTHEA. Several questions are raised in the present case, the principal ones concerning the rights and obligations derived from the agreement of April 22, 1889, also taking into account subsequent agreements; the other questions depend on these, and they will be briefly discussed below. Therefore, the advocate for the Sisters, addressing his argument, lays as a foundation the aforementioned agreement of the year 1889, with the addition of a modification included in another subsequent agreement of September 1, 1890; and he maintains that the others, namely those of the years 1897 and 1898, should not be taken into consideration. Indeed, assuming that the parties are in agreement regarding the validity of the agreement of the year 1889, he argues that the validity of the aforementioned modification, through the subsequent agreement of the year 1890, is demonstrated by the fact that payments for the lease of the building were made in accordance with this norm, as evidenced by the receipts signed by Father Panfili and delivered to the Sisters; therefore, since the parties have ratified a new agreement, it is forbidden to doubt its value, because in this matter, usage and possession have the greatest force,

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as Tradition teaches, Cardinal De Luca. This title is presumed, as appears from usage and possession. But what is opposed to this are the other two agreements of the years 1897 and 1898: the advocate replies that these are devoid of all validity, first because they were not signed by the parties, and they do not go beyond the limits of a simple proposal of a contract, and second, because they did not take place between the same persons; for while in the agreement of the year 1889, three Sisters, Beau, Giannoli, and Francia, were present, in these two subsequent agreements, the General Superior of the Sisters was present; and in the hypothesis that the three aforementioned Sisters should be considered as mandataries, FOR THE SISTERS.

[*Latin ed. p. 93*]

RIPANA 93: For the novation of the contract, the intervention of ecclesiastical authority would have been necessary, which was lacking in this case. Subsequently, the advocate proceeds to refute the objections of the opposing party, the principal one being that, according to Roman law, a written document was required not for the substance of the contract, but only for its proof. The patron addresses this difficulty by noting that this is true only if the parties had not otherwise agreed: if the parties had wished the contract to be confirmed in writing, then, according to Roman law, the written document would have been regarding the substance of the contract, as clearly demonstrated by law 17 of the Code of Civil Law, and as held by Perezius and other learned men in their commentaries, book i, title 21 of the Code. Therefore, the advocate concludes, the rights and obligations in the present dispute should be derived only from the agreement of April 22, 1889, and the subsequent amendment of September 1, 1890, because these alone are the contracts that are in permanent force. He then proceeds to another question, namely, whether Father Panfili has the right to demand from the Institute 1500 livres for extraordinary repairs carried out by him following the death of one student from an epidemic disease in the College: and he answers negatively for two reasons. Father Panfili carried out these expenses without any mandate from the Superior General of the Sisters; therefore, it is just that he should bear them, and not the Superior General. Secondly, by virtue of the contract of 1889, he himself assumed the obligation of maintaining the building of the Institute: and the Sisters at that time agreed to a suitable sum, both for the fixed rent and for the maintenance. Therefore, the repairer, and not the tenant, is responsible for the repairs, unless something to the contrary is demonstrated, namely, that these expenses were incurred outside of the ordinary course. To this difficulty, the advocate responds by noting that Father Panfili, in the aforementioned contract, assumed the obligation of always maintaining the building in such a condition that it would be habitable, according to the conditions imposed by the health laws. Regarding the third point, namely,

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the obligation of the Sisters to have schools, as they claim, complementary and normal, the patron easily explains himself. As...

[*Latin ed. p. 94*]

94. From the documents of the Congregation and Regulations previously cited, it is evident that all obligations between the parties ceased with the contract of 1889. However, there is not even a hint or word concerning this obligation. Therefore, it is uncivil to insist on it in this case, which argument, according to the defender, acquires even greater force when it is noted that the priest Panfili declared in the aforementioned meeting that he did not wish to involve himself in any way in the administration, either economic or disciplinary, of the newly established Institute. Another question concerns whether the Sisters can reclaim the sum of 5800 livres given as an advance payment and as the beginning of payment for the acquisition of a small house located near the building of the Institute and its grounds, so that the sum of 3000 livres, to be paid to the priest Panfili by order of the Congregation, can be included in it. The lawyer observes that the purchase of both properties could not be completed, firstly because the priest Panfili did not obtain from the local municipality the cession of a section of public road between the small house and the building of the Institute, and secondly because there was a lack of consent from the Cardinal Protector of the Sisters for the stipulation of the contract; hence, the matter has reached a point from which it cannot proceed: therefore, the offered sum of 5800 livres must be considered to belong to the Institute, and the requested accounting must be admitted. Afterwards, the lawyer turns to the question concerning the property acquired with the remaining assets of the Institute, and he argues that this pertains to it. This, he states, is clearly evident from the repeatedly mentioned agreement of 1889. According to this, with respect to the priest Panfili, the obligation assumed by the Sisters is expressly stipulated as being only to pay annually 2500 livres for the lease, subject to certain conditions as set forth in the aforementioned agreement and the subsequent amendment of September 1, 1890. Having addressed these questions, he raises another concerning the guarantee that the priest Panfili wished to be provided by the Sisters for the fulfillment of the obligations assumed. This, according to the defender, is abnormal: a guarantee is understood to be given before the stipulation of the contract, but not 12 years after its celebration.

[*Latin ed. p. 95*]

RIPANA 95. Indeed, if any caution were to be observed in this matter, the very location, Panfili, should be urged to fulfill the obligations he has undertaken, namely the construction of the economic kitchen for 60 people, the recreation areas, and a suitable cellar *vinariae*. Finally, the ultimate inquiry concerns whether, in this case, where the present cause remains

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unresolved or is to be determined, the Institute can be bound by a provisional decree to pay the sums of six thousand livres to Father Panfili in satisfaction of the larger debt, or at least three thousand livres according to the aforementioned decree of the Holy Congregation. The advocate submits the distinction between liquid and illiquid debts: in the former, the judge orders payment; in the latter, he orders liquidation. Furthermore, the advocate continues, as has already been proven, the Sisters have a debt with Father Panfili for the sum of 5834 livres, in which, if interest is included, the debt amounts to more than six thousand livres; the Sisters' liquid debt towards the same priest, however, is 3000 livres, as evidenced by the records of payments and receipts with the same priest up to the year 1901, as shown in the documents presented in the records of the Holy Congregation. The debt of the nuns is calculated at 3800 livres. But if this sum is deducted from the debt of the nuns of 6000 livres, it is evident that the Sisters still have the right to recover more than two thousand livres from Father Panfili. Therefore, the debt claimed by the same priest is resolved in favor of the Sisters, who rather ought to be considered debtors towards the Sisters, and therefore obligated to return the alien property as soon as possible. THE RIGHTS OF FATHER PANFILI. Here, on the contrary, it is maintained that the agreement of the year 1897, which reformed the substance of the previous contracts, remains in force. It is observed that the aforementioned agreement was proposed by the Sisters, and although there have been disagreements regarding its modalities, it was nevertheless accepted by him, and consequently, there was a concurrence of two wills. This acceptance, according to Father Panfili, is proven by several things, and in particular by...

[*Latin ed. p. 96*]

96 FROM S.C. EPISCOPAL AND REGULATORY CORRESPONDENCE concerning the dealings between the Institute and the Knight of the Order, the Procurator of the Sisters. Having, therefore, established a mutual agreement between the parties, it is noted in law that a contract of lease is perfected solely by consent, or according to the law of the land, Article 1314 of the Italian Civil Code, where written documentation is only required for proof; or according to Roman law, which includes lease agreements among consensual contracts, Institutes, Book 3, Book 21. Furthermore, it is not to be argued that the aforementioned agreement was not a perfected contract, but rather a simple draft of a contract. To this objection, the priest Panfili responds that from the moment he accepted the proposed agreement, a legal transaction was perfected, and according to this, the rights between the parties are to be determined, which is equivalent to proof of the justice of his petition, namely that from the year 1896, the full annual pension of 2500 livres has been paid up to the present day. Nor do the Sisters attempt to defend themselves with the agreement of 1889. This, according

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to the priest Panfili, if the matter is examined more closely, does not seem favorable to the Institute. For in it, provision is made for a seven-year trial period by the Sisters; during which, the priest Panfili could only receive 10 livres per month for the girls beyond the number 15, and the Sisters were free to terminate the contract. But this trial period went well, and the Sisters continued to fulfill their agreed obligation of paying 2500 livres annually. But now, the priest Panfili exclaims, the Sisters seek to reduce it, and insist on a recalculation of the amounts? The priest Panfili then proceeds to describe the reasons for which the economic affairs of the Institute have not progressed properly, and he states that the most important reason to be considered is the inadequate instruction that the Sisters provided: they were never able to establish complementary or regular schools, and thus the number of students diminished day by day, also because very few teachers possessed the diploma necessary for teaching. However, if the Sisters were solely responsible for this anomaly...

[*Latin ed. p. 97*]

RIPANA. Ninety-seven are to be held accountable for the fault, and it is not just, concludes Father Panfili, that they themselves should bear the cost. The Sisters had been disobedient to their counsel and warnings; therefore, they themselves must suffer the consequences of their imprudence and their poorly managed administration. Proceeding to the second question, namely, whether the Institute is obligated to pay 1500 livres for extraordinary repairs made to the rented property on the occasion of the death of a student from an epidemic disease, Father Panfili argues that this sum is due from a twofold consideration. First, because he states that these expenses were incurred with the approval of the Superior, Claudia Cosso. Second, because, according to local custom, the tenant is only responsible for ordinary expenses of maintaining the property. Extraordinary expenses should be borne by the owner. The third question arises: whether the Institute can be considered obligated to maintain both complementary and regular schools. Father Panfili asserts that this obligation was assumed by the Sisters, first, from a letter from the Bishop of Ripà, who laments that the Sisters have not kept their agreements regarding the establishment of these schools. Second, from the testimony of three local parish priests, who accuse the Sisters of ruining the College due to their failure to faithfully open the regular schools. Third, from Program No. 3, printed and published, according to which the opening of said school was promised without an increase in tuition. Fourth, from a promise made to him, regarding the establishment of these schools, which was never put into effect. Regarding the fourth question, namely, to whom the sum of 5800 livres pertains, which the Sisters gave to Father Panfili as a down payment for the acquisition of the Institute's villa and house, a letter from the Procurator of the Sisters, a knight of the established order, states that the Superior, Claudia Cosso,

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had agreed with Father Panfili to acquire the building of the College for 40,000 livres, the small house in which the aforementioned priest resided for 20,000 livres, and for the construction of a building connecting the two properties, she had promised 25,000 livres. The sum of 5800 livres initially paid was considered a down payment, or the beginning of the payment. Already, Acts, Volume XXXV, page CDX, 7.

[*Latin ed. p. 98*]

98. Furthermore, the priest Panfili maintains that he is not obligated to contribute this sum, because through his actions, he did not prevent the contract from fulfilling its purpose; rather, this sum was owed by him for the construction of a new dwelling. Therefore, it is unjust for the Sisters to demand that their debt of three thousand livres be included in this sum. Moreover, concerning the fifth point, the priest Panfili endeavors to demonstrate that the furnishings acquired from the remaining assets of the Institute, after the contract was settled, belong to him. Indeed, it is true that this was not expressly stated in the lease contract; however, the priest Panfili proves that this was his constant intention from the beginning of the Sisters' arrival, and he provides testimony from the Bishop of Ripan to this effect. Then, the priest Panfili proceeds to another question concerning the guarantee which, he says, must be provided by the Institute for the security of the obligation undertaken. He notes that the Congregation of Sisters, under Saint Dorothea, lacks legal personality, and this legal personality cannot be obtained through a royal decree of September 20, 1868. Furthermore, the three Sisters are not the owners of the property under the testamentary contract; therefore, he requests that a new contract be established by the Sisters to guarantee the security of the obligation undertaken. Finally, the priest Panfili requests that, if the proposed questions are to be postponed to another day, the Holy Congregation should issue an interim decree by which the Sisters are ordered to pay, as an advance on their credit, either one thousand livres, or, if that is insufficient, three thousand livres, pending the issuance of the decree already issued in November of the year 1900. The priest Panfili clearly demonstrates the justice of his petition, as shown above. Indeed, it has been shown that the anticipated sum of 5,800 livres for the acquisition of the villa and the house, in no way pertains to the Institute; furthermore, it has been proven that the Sisters owe the lessor 2,500 livres annually since 1897; therefore, their debt exceeds several thousand livres; or, if this is not taken into account,

[*Latin ed. p. 99*]

RIPANA, 99, because the accounts have not yet been completed. However, it is certain, from the decree of the Holy Congregation, that the Sisters are indebted to the Priest Panfili in the amount of 3,000 livres. Therefore, justice demands that, at the very least, the Sisters be compelled to remit

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this debt. These are the points of argument, more or less, presented by both sides. Following these arguments, the following questions were proposed for resolution:

I. What rights and obligations arise in the present circumstances from the contract of April 22, 1889, taking into account also subsequent agreements?

II. Is the Institute obligated to pay to the Priest Panfili the sum of 1,500 livres for new works and extraordinary repairs carried out by him in the college, at the mandate of the Superior, Claudia Cosso, following the death of one student from an epidemic disease commonly known as typhus?

III. Can the Institute be considered obligated to maintain, in addition to elementary schools, also complementary and normal schools?

IV. Is the Priest Panfili obligated to account to the Institute for the sum of 5,800 livres received as an advance and as the beginning of payment for the acquisition of two properties, namely, the building of the college and the residence of the Priest Panfili himself?

V. Has a contract existed between the Institute and the Priest Panfili, by virtue of which the furnishings purchased from the remaining assets of the Institute should be considered as the absolute property of the Priest Panfili, and therefore be settled under that contract?

VI. Is the Institute obligated to provide a guarantee in favor of the Priest Panfili for the fulfillment of the obligations assumed?

VII. In the event that the present dispute is not resolved fully on the day of the presentation of the case, or remains unresolved, can the Institute be compelled by a provisional decree to immediately pay to the Priest Panfili the sum of 5,000 livres as an advance of the larger sum owed to him, or at least 3,000 livres, as decreed by the Holy Congregation in a decree of November 1900.

[*Latin ed. p. 100*]

100. DECRETUM EX SACRA CONGREGATIONE EPISCOPUM ET REGULARIUM. Sacra Congregatio Episcoporum et Regularium, postquam diligentissime rationes diversas consideravit, die 22 Novembris 1901 ita decrevit:

Ad I. Adherendum est ad omnes contractus diei 22 Aprilis 1889 et ad conventionem subsequentem diei 1 Septembris 1890. Conventiones posteriores autem non sunt validæ.

Ad II. Negative.

Ad III. Negative.

Ad IV. Affirmative.

Ad V. Negative.

Ad VI. Negative.

Ad VII. Sorores Deo Panfili non solvunt, secundum contractum diei 22

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Aprilis 1889 initum et conventionem sequentem diei 1 Septembris 1890, pretium locationis ab anno 1897.

ET DE: SEPARATIONE ET CESSIONE PROPRIETATIS INSTITUTORUM BELLUNENSIS ET FELTRENSIUM. 16 Maii 1902.

SUMMARIUM CASUS. Postquam, cum summa laudem, defunctus est, elogium publicatum die 7 Ianuarii 1886, sacerdos Victor delia Piazza, canonice Cathedralis Ecclesiae Feltrensis, heredem nominavit in domo et in residua substantia sua, post exacta legata, Romano D. Ioanni de Blasi, canonico eiusdem ecclesiae. Intentio testatoris erat ut, per legata, bona in civitate Feltrensi, ad Canossianas Sorores pertinentes, adhiberentur ad institutum pro instructione puellarum pauperum. Sed praescribit ut, si hae Sorores non possint esse, hæres fiduciarius alium institutum accipere posset, etiam virorum religiosorum, quod, ex suo iudicio, eundem finem consequi valeret, instructionis sive puellorum sive puellarum. Relicta vendita, domo et alio aedificio ampliori acquisito, quod magis proposito scopo responderet, canonice De Blasi...

[*Latin ed. p. 101*]

BELLUNO AND FELTRE. 101. Blasi began discussions with Father Peter Corso, the founder of the house of the Sisters of Charity of Saint Vincent de Paul in the locality of Fonzaso, in the diocese of Padua, and, after summoning several Sisters, a new house, the Feltre house, was established in the city of Feltre on November 6, 1893, in the aforementioned building, which now contains 12 Sisters. The agreements added at the time of the foundation are summarized as follows: 1.° The founder, De Biasi, obligated himself for the duration of his natural life to provide the necessary means for the maintenance of 4 Sisters for the new Institute, until otherwise provided. 2.° The patrimonial assets of both houses, namely the Feltre house and the Fonzaso house, were to remain divided in such a way that each house would be the owner of its respective share, excluding the merging of assets. 3.° Pious legacies, donations, and bequests were also to remain the property of the house to which they were made; regarding the dowries of the Sisters who made their vows after the establishment of the Feltre house, it was stipulated that, upon their death, half of their dowry would be divided between the two houses. 4.° In the new Feltre Institute, a college for girls of civil and wealthy condition was to be established, along with elementary and complementary, or normal, schools. 5.° Finally, regarding the appointment or dismissal of Sisters, the Feltre house was to be dependent on the Fonzaso house, so that the director and founder, Father Corso, could, at his discretion, increase or decrease the number of Sisters in the new house. However, in the end, an exhortation is made for both houses to work together for the noble purpose, and for the directors or founders of both houses to proceed with mutual understanding. This agreement was then signed by the founders of both houses, De Biasi and Corso, and by the

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respective Bishops of Feltre and Padua. Meanwhile, a disagreement arose between the founder, De Biasi, and the Sisters of the Fonzaso locality. These claim that the Feltre house, in which the new institute was established, belongs to them; Father De Biasi denies this, and, since he is the heir of the building of the new house, he opposes the requested cession, demanding that the Feltre house be declared autonomous and completely separate from the Fonzaso house. Pro-

[*Latin ed. p. 102*]

102 FROM THE DECREES OF THE BISHOPS AND CANONS, concerning the resolution of a controversy, the Most Holy Congregation of Bishops and Regulars, having considered the following questions: I. Whether and in what manner the house of the Daughters of Charity, commonly known as the Canossian house, in Feltre, can be separated from the local house in Fonzaso, in a particular case. — II. How the priest, De Biasi, should dispose of the building in which the new Canossian house of the Sisters in Feltre is located, in the event of his death. On January 17, 1902, the aforementioned Sacred Congregation responded: To 1. Negatively, with the firm observance of articles 1 and 3 of the Convention. To 2. According to the will of the testator, favoring, however, the Institute of the Daughters of Charity, commonly known as the Canossians. With this decision issued, the priest, De Biasi, requested a new hearing and obtained it. A synopsis of the discussion: Here, through his appointed advocate, he divided his defense into two parts, in the first of which he argued about the first question, contending that the requested separation of the house of the Sisters in Feltre from that in Fonzaso is not only possible but also necessary. Indeed, such a separation is first possible because it does not contradict the rules of the Institute. This is confirmed by the very fact of several Canossian houses in the provinces of Venice and Lombardy, which are autonomous, and especially by the example of the house itself in Fonzaso, which, under the protection of the Bishop of Padua, requested to be separated from that in Treviso. Moreover, as some priests in Feltre testify, this seems to be in accordance with the rule of the Founder, Canossa herself, who stipulated that the houses should be independent, able to live on their own without the help of other houses, and in which precise condition the house in Feltre currently finds itself. Secondly, the separation is possible because it does not contradict the will of the testator, which, according to the codicillary letter written by the priest, De Biasi, was that the legacy of the house with its appurtenances should serve for the new institute for the instruction of girls, in which the Canossian Sisters should be received as in a private house, for the purpose of ALLEGED CLAIMS BY DE BIASI.

[*Latin ed. p. 103*]

BELLUNO and FELTRE, 103, the end of the intentions of the pious de-

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ceased. Hence, the intention of the founder was not to erect a filial house of the Sisters of the Institute of Fonzaso, but rather a house for the education and instruction in which the Canossian Sisters were generally called; and no law was established that they should be called from the neighboring town of Fonzaso. Therefore, the lawyer concludes, it cannot be deduced from the fact that the priest De Biasi called Sisters of the Canossian Order from the place of Fonzaso to govern the new institute, that this implies an absolute dependence, since he was free to call Sisters from any other house of the Canossian Sisters. Thirdly, the requested separation does not contradict the initial agreement mentioned above between the priest Corso and the executor of the pious will, De Biasi, because, as the lawyer observes, in none of its articles is there mentioned a perpetual dependence and subjection of the new house of Feltre to the house of Fonzaso. The founder Corso had proposed to insert an article expressing perpetual dependence, but the Bishop of Feltre opposed it, and then another was substituted, namely article 6, which only contains an exhortation to maintain the union between the two houses. This, according to the lawyer, clearly indicates that the right to obtain autonomy remained reserved for the new house in its erection, provided that it was in a condition to live independently. Furthermore, in articles 2, 3, and 4 of the aforementioned agreement, a complete separation of assets is stipulated between the two houses, and to some extent also regarding the purpose; for, according to Article 4, the College, the house of Feltre, intends instruction for wealthy girls, whereas the house of Fonzaso is dedicated to the instruction of girls of limited means. Therefore, the agreed agreements do not exclude the requested separation between the two houses. But, the lawyer argues, the separation is not only possible but also necessary. He endeavors to prove this in two ways: Firstly, because of the moral damage that the institute suffers. The citizens of Feltre are deeply offended that the aforementioned Institute is considered a filial house of Fonzaso; hence, in the education given to their daughters, they prefer public schools; hence, the oratory languishes.

[*Latin ed. p. 104*]

104 E X S ′ G - EPISC. E T REGUL. The festive celebrations, and both the internal and external schools, are daily diminishing; however, a different situation would arise if the institution were declared autonomous. In the same proportion, the benefactor describes the moral detriment. If the Feltre house is declared autonomous, many pious benefactors will be present, among whom a pious woman has already promised 50,000 livres, but under the condition of the house's independence. On the contrary, if the Feltre house continues to depend on the locality of Fonzaso, no benefactors, or very few, will be present. Then, the advocate proceeds to the second part of his argument, striving to demonstrate that the priest De Biasi is not obligated, for reasons of death, to abandon the house of the new

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Institute, which is under the care of the Canossian Sisters of the locality of Fonzaso. The pious Testator Delia Piazza did not call upon the Canossian Sisters of the locality of Fonzaso to administer the Institute, but designated Canossian Sisters in general, and granted extensive powers to his trustee, De Biasi, whom he also requested to dispose of the bequeathed substance, not for the benefit of his heirs, but for the benefit of the person entrusted to him, who would continue the pious work. Therefore, the advocate exclaims, how do the Canossian Sisters of the locality of Fonzaso, along with their founder, Father Corso, now present themselves, claiming that the building of the new Institute should be left to them, when there is no mention of them in the testator Della Piazza's will? But, granted and not conceded that Father De Biasi was obligated to establish a will or a donation for reasons of death, this would only apply to the substance bequeathed by the testator Della Piazza, which does not exceed 8,500 livres. But the building for the new Institute, purchased by Father De Biasi, is now estimated at 33,270 livres. From this sum, if we deduct 8,500 livres, the value of the house sold by the testator, and 3,621.60 livres, donated by several pious persons, it is clear that he can dispose of the remaining sum at his pleasure; however, according to the advocate, Father De Biasi will not do so, because he pursues the new Feltre house of the Canossian Sisters with the greatest love.

[*Latin ed. p. 105*]

REGARDING THE MATTER OF FELTRE CONCERNING THE HOUSE OF THE CANOSSIAN SISTERS AT FONZASO: 105 LOCI. BOTH the Bishop of Padua and the Founder, Father Corso, and the Canossian Sisters of the Feltre house, insist that the proposed separation of the two institutions should not be granted. They describe the damages that would result from such a separation, and in particular, the Sisters of the Feltre house declare that, if the separation were granted, they would abandon the house. Furthermore, they state that it should not be believed that the opposing party desires this separation, which is indeed false, since the older and more respectable part of the people and the elite of Feltre hold a different opinion; and they assert that there have been many protests in this regard, especially from pious priests. Moreover, the Bishop of Padua presents another argument to prove that the building of the new Canossian house in Feltre belongs to the mother house at Fonzaso. The Canossian Sisters, according to the regulations of their Institute, have a solemn obligation not to open any house unless it is first established that the property of the building in which the new house is to be erected belongs to them. Therefore, if Father De Biasi called the Canossian Sisters of Fonzaso to establish a new house in the city of Feltre, it must be said that the building in which this house was erected had already been transferred to the Canossian Sisters. The conduct of Father De Biasi cannot be justified

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by the codicillary will of the Testator, which grants him broad powers regarding the establishment and administration of the new Institute; for the Bishop of Padua states that this letter should have been shown at the beginning of the foundation of the new house, which the Canossian Sisters of Fonzaso did not accept; but after several decades, during which the new Canossian house of Feltre has already been founded, they are now returning to their claims, relying on the "trust letter" of Delia Piazza. This, the Bishop believes, clearly demonstrates deceit on the part of Father De Biasi, and therefore he requests that the resolutions given by the Sacred Congregation be confirmed once again by its supreme judgment. After considering the arguments presented by both parties, the following proposal was put forward for consideration:

[*Latin ed. p. 106*]

106 FROM THE SACRED RITUALS: A Question Regarding Whether and How the Resolution of January 17, 1902, Should Be Confirmed or Modified in the Case. RESOLUTION. The Sacred Congregation of Bishops and Regulars, after seriously considering various matters, responded on May 17, 1902, as follows: In the decisions and further. FROM THE SACRED CONGREGATION OF RITUALS IN MILAN, Concerning the Custom of Reading the Mass Instead of Singing It on the Fifth Day of the Week (in Feria V) at the Lord's Supper and on Holy Saturday in Parish Churches or Subsidiary Churches. The Most Reverend and Illustrious Cardinal Andrea Carlo Ferrari, Archbishop of Milan, reverently presented the following to the Sacred Congregation of Rituals: "In the Ambrosian Missal, in the Mass on the fifth day of the week (in Feria V) at the Lord's Supper, the following rubric is found: 'This Mass is celebrated by only one Priest in the Cathedral, and in each Collegiate Church, Parish Church, or other church of the same kind, but not in private oratories. And in the Cathedral Church, or Collegiate Church, after the preceding readings, the prayers containing the Psalms found at the end of the Missal for the same fifth day are recited, and while the last Psalm is being sung, the Archbishop, or the more senior Priest, with the ministers, approaches the altar and makes a confession, etc.' — Similar wording is found in the rubric for the Mass of Holy Saturday, although the phrase 'and in the Cathedral Church, or Collegiate Church' is not found there. — However, the custom of reading the Mass instead of singing it has prevailed in some parish churches or subsidiary churches. The reason given is that the rubrics do not explicitly prescribe singing, since they state only 'is celebrated,' and do not implicitly apply to churches that are not Collegiate. Therefore, the Reverend Orator requested from the Sacred Congregation: Whether the custom of reading the aforementioned Mass, both on the fifth day of the week (in Feria V) at the Lord's Supper, and on Holy Saturday, is permissible in such churches? The Sacred Congregation of Rituals, referring the matter to the Secretary,

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heard the opinion of the Liturgical Commission and, with all...

[*Latin ed. p. 107*]

From the Sacred Congregation of Rites, number 107, it was deemed necessary to respond as follows: Considering the rubrics of the Ambrosian Missal and the Memorial of Rites issued by Pope Benedict XIII concerning the lack of clergy, it may be permitted to read the Mass in smaller churches. And thus, it responded: On July 18, 1902. D. CARD. FERRATA, Prefect of the Sacred Congregation of Rites, to D. PANICI, Archbishop of Laodicea, Secretary of Queretaro. Various doubts. The Masters of Ceremonies in the Cathedral Church of Queretaro, in the Mexican territory, most diligently concerned with ensuring that all things pertaining to the divine service are properly performed, and with the approval of their Reverend Bishop, have humbly presented the following doubts to the Sacred Congregation of Rites: I. In all the churches of this diocese, the ancient custom is observed of publicly exposing the Most Holy Sacrament to the veneration of the faithful, either in Masses for the Renewal of Vows, which are sung, or, with the permission of the Ordinary, on some solemn occasion of a great feast, and in these same Masses, the Sacred Communion is distributed, notwithstanding the exposition; the bells are rung, both at the "Sanctus" and at the elevation of the sacred species, and also immediately before the distribution of the Holy Sacrament. Hence, the following is asked: 1. Can the custom of singing Masses before the Most Holy Sacrament, openly exposed, continue? 2. And, if so, is it permissible to distribute the Holy Communion in such Masses? 3. Is it permissible to ring the bells? II. In this holy Cathedral Church, during its liturgical celebrations, on solemn days, immediately before the Conventual Mass, a procession takes place within the walls of the church, with the Relic of the Holy Wood of the Cross of Our Lord Jesus Christ, which is carried by the Canon celebrant, wearing a humeral veil; when the procession arrives at the altar of Saint Bernard, which is near the doors of the church, the celebrant, turning his back to the altar, shows the sacred relic to the people, at which time the procession pauses, while the choir sings the first stanza of the hymn of Vespers appropriate to the feast being celebrated: then

[*Latin ed. p. 108*]

108. From St. Cyril, the procession continues, and at the main altar, the Sacred Relics are placed there. The verse "Ora pro nobis, Sancta Dei Genitrix" is sung, and the celebrant recites the prayer, "Omnipotens, sempiternus Deus, qui gloriosae Virginis..."

Indeed, the question arises: Can this procession be continued in the manner described above? And, if not, how should it be done?

III. In this Cathedral Church, in accordance with the concession granted by the Roman Pontiff Gregory XIII on December 30, 1573, on Sundays,

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it is not the Canon who celebrates Mass, but the Sacristan or Master of Ceremonies who performs the sprinkling with blessed water. However, the custom has arisen of offering a sprinkler to each Canon and Cleric so that they may take some of the blessed water, and then, after the aforementioned sprinkling of the people by the Sacristan or Master of Ceremonies, who recites the prayer (which is sung from the *Hebdomadarium*), he returns to the sacristy and offers the blessed water, also by contact with the sprinkler, to both the celebrant and the ministers. Since this practice seems to contradict the rubrics, the following questions arise:

1. What is to be thought of the sprinkling of the choir by contact?

2. What is to be said about the recitation of the prayer from the *Hebdomadarium*?

3. How should the sprinkling of the celebrant and the ministers be done?

IV. According to the decree of the Third Mexican Council, in this holy Cathedral Church, every Sabbath throughout the year, after the *Completory* Antiphon *Salve Regina*, sung by the Canon of the week, wearing the *pluvial*, before the main altar, the *Matutinum* with the *Laudes* is recited in the choir. Sometimes, however, it happens, especially within the Octave of Corpus Christi or on other days, that the aforementioned antiphon is sung before the Most Holy Sacrament is publicly exposed, which is not reserved except after the *Laudes* have been completed. But since there is doubt about the legitimacy of this practice, the question arises: Is it permissible to sing the antiphon *Salve Regina* at the main altar, when the Most Holy Sacrament is manifestly exposed there?

V. Furthermore, in addition to the basins of wine and water placed there for the faithful, in some churches of this diocese, a small basin is also used in sung Masses, or with the fingertips in private Masses, when the priest says the psalm, "Lavabo inter innocentes manus..." This is done because the water in the glass pitcher is often not sufficient to wash the hands and purify the chalice, especially in Masses with singing. Furthermore, the aforementioned basin...

[*Latin ed. p. 109*]

From the Sacred Congregation of Rites, number 109, the following is inquired: Whether it is permissible, or at least tolerable, to continue the aforementioned practice?

I. In some churches of this Diocese, a larger altar exists above a crypt in which are located the remains of many deceased individuals, so that the altar is separated from the burial chamber by only a stone wall of the crypt itself. The question is asked: Is it permissible to perform the Holy Sacrifice of the Mass on these aforementioned altars, even though there are remains of the dead directly beneath the altar on the floor of the crypt?

And the Sacred Congregation, after considering the report of the under-

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signed Secretary, and after a careful deliberation by the Liturgical Commission, decided that the following should be answered:

To I. Let Decree number 3448 of the Sacred Congregation, dated May 11, 1878, be consulted.

To II. In the case of a continuous procession, the celebrant, wearing a cope, may carry the Relic of the Holy Cross of Our Lord Jesus Christ, and upon returning to the larger altar, he may bless the people according to Decree number 2324 of Brixen, dated September 15, 1736, without the "Absque versículo et Oratione B.M.V.," and with the usual conclusion.

To III. Regarding the first part, the sprinkling of the choir by contact is not permitted, as it is contrary to the Decrees, especially Decree number 2013 of Leodien, dated September 27, 1698, sections II, III, and IV.

Regarding the second part, the prayer must be said by the one who performed the sprinkling, according to Decree number 1122 of Casentina, dated July 19, 1659.

And regarding the third part, the celebrant and the ministers who are present in the sacristy during the time of the sprinkling are not to be sprinkled, but should receive the holy water at the entrance to the church.

To IV. Affirmative.

To V. Negative, in both cases.

To VI. Affirmative, according to Decree number 3460, dated July 11, 1878, section II.

And thus it was decreed.

July 18, 1902.

Senones.

D. CARD. FERRATA,

Sacred Congregation of Rites, Prefect.

D. PANICI,

Archbishop of Laodicea, Secretary.

[*Latin ed. p. 110*]

110 FROM THE DECREES OF THE MOST RECENT COUNCIL OF RITE. A doubt concerning the hearing of the Holy Mass in a chapel of a ship, recently declared public. Whereas it has been declared that chapels fixed on ships are to be considered public when ships are navigating, and whereas it frequently happens that, when ships arrive in port, families of the sailors and officials, and other persons, for various reasons, visit them; the present chaplain of the Transatlantic Society of Barcelona, having humbly presented the following doubt to the Sacred Congregation of

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Rites, namely: Whether all those who are present at the Holy Sacrifice of the Mass in the aforementioned chapel are able to hear it, in order to fulfill the precept of hearing Mass on holy days. And the Sacred Congregation itself, with the reference of the undersigned Secretary, and after a careful vote of the Liturgical Commission, considered it opportune to respond to the aforementioned doubt with an affirmative answer, according to the Decree of Vienna, of March 4, 1901. Without a special Indult. And thus it responded, on May 10, 1901. D. CARDINAL FERRATA, S. R. C. L. * Pref. D. PANICI, Archbishop of Laodicea, Secretary of Abulensis. It is permissible to dispense from some secondary feasts, after the respective primary feasts of the same rite. The present Master of Ceremonies of the Cathedral of the Diocese of Abulensis, in Hispania, and editor of the Calendar, in order that all may be done correctly, with the consent of his Most Reverend Bishop, humbly presents the following inquiry to the Sacred Congregation of Rites: "Before the year 1893, on the days of May 5th, August 27th, and September 22nd, it had been decreed in the aforementioned Diocese concerning secondary feasts of the Conversion of St. Augustine, the Transverberation of the Heart of St. Theresa, and the Imprint of the Stigmata of St. Francis; and that, on those same days, when the three aforementioned primary feasts of the same rite occurred, the following days would be perpetually granted as holidays, namely: May 14th, September 1st, and September 26th." He asks whether, in virtue of the derogatory clause of the Decrees of June 27, 1893, and August 24, 1894, the three aforementioned secondary feasts are dispensed from the respective primary feasts of the same rite.

[*Latin ed. p. 111*]

FROM SACRED RITUAL 111, the following matters ought to be postponed, and transferred to the aforementioned days, May 14th, September 1st, and September 26th: and the Sacred Congregation, upon the report of the undersigned Secretary, after careful consideration of the opinion of the Liturgical Commission, and after accurate deliberation, decided that it should be replied: Affirmative. And thus it replied, on March 17th, 1902. D. CARD. FERRATA, Prefect of the Sacred Congregation. L. * S. D. PANICI, Archbishop of Laodicea, Secretary of the Sacred Congregation. OBSERVATIONS. Before all else, we deem it necessary to recall to the memory of the readers the liturgical norms which hitherto governed the observance of feasts; thus, the purpose of the Sacred Congregation and the response submitted will be better understood by all. Therefore, let these two points suffice: 1. The rule, by which primary feasts are preferred to secondary feasts, both in their proper time and in the case of a conflict or postponement, had not, before the year 1893, been solemnly confirmed by any decree, especially with regard to feasts of the same rite which do not exceed two degrees of solemnity; 2. The doctrine, which assigns preference to feasts celebrated on their natal day or quasi-natal day, in comparison to feasts

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celebrated only on a day assigned to them, was considered before the year 1893 only in the context of the perpetual reform of the calendar approved by the Apostolic See, and not in the granting of any new office: indeed, in such a case, and in the case of an accidental conflict, the common laws regarding the observance of feasts were to be observed. Therefore, since the days of May 5th, dedicated to the memory of Saint Augustine, Bishop, and Doctor of Conversion, and of August 27th, dedicated to the Transverberation of the Heart of Saint Therese, Virgin, were designated as quasi-natal days, it is not surprising that in the Archdiocese of Valencia, disregarding the distinction between feasts and secondary feasts, both of these secondary feasts continued to be observed in the ancient manner, although the days of May 5th and August 27th had previously been designated as feasts of the same rite and class, namely, the feasts of Saint Pius V and Saint Joseph of Calasanctius, as quasi-natal days by established right. However, it is understood that...

[*Latin ed. p. 112*]

1 12 ES S. C. RITUUM, for which reason the feast of Saint Francis of the Stigmata, which had been fixed in the Diocese of Ávila on September 22, was transferred to the feast of Saint Thomas Villanova, which had already been chosen by Pope Pius VII. For the liturgical authorities had established a firm and valid rule, according to which, if a feast in a particular place is impeded by another office or feast of equal rank, or a semi-double feast, or a feast within the Octave, which occurs or is fixed on the same day in the universal calendar of the Church, then that feast must be transferred to the first free day. It is clear, therefore, that the calendar of the Diocese of Ávila was never reformed in the 17th century, nor was it corrected by the Apostolic See; unless, that is to say, there was a lack of legitimate authority to continue in that practice, or there was an error in the author of that diocesan calendar, which is almost unbelievable. But what is the legitimacy of such a practice, by which the feast of Saint Francis of the Stigmata was fixed on September 22 in the Diocese of Ávila? It is now clear and certain that, when secondary feasts are transferred to the first free day, three primary feasts of the universal Church must be celebrated on those days, namely, the feasts of Saint Pius V, Saint Joseph Calasanctius, and Saint Thomas Villanova, for which the respective days of May 5, August 27, and September 22 are quasi-natalitia days legitimately assigned by the Apostolic See. With these things noted beforehand, if the question had been absolutely posed, whether secondary feasts should also be transferred permanently when they occur on the same day as primary feasts of the same rite and class, both occurring on the same natalitia or quasi-natalitia day; no one who is versed in the current science of liturgical law would have expected an affirmative answer from the Apostolic See. For the General Decree No. 3808, by which the S. R. C. on June 27, 1893, granted precedence to primary feasts over secondary feasts

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of the same rite and class in the case of occurrence and concurrence and transfer, was solemnly confirmed by Leo XIII on July 2 of the same year. And there is no doubt whatsoever, arising from the rite of these same feasts; for the same S. R. C., by General Decree No. 3837, declared on August 14, 1894, the distinction between primary and secondary feasts.

[*Latin ed. p. 113*]

From the Sacred Ritual, number 113, it is also to be applied in the case of minor and semi-major Doubles, both in accidental and fixed feasts, and in their repetition. Although all these things, if we are speaking of an accidental feast, present no difficulty, since the matter is entirely evident; it was inquired whether these things were to be understood to apply perpetually to feasts, or only to accidental ones. Furthermore, even if these things are to be applied to both occurrences, it could still be asked whether, if we are speaking of feasts, not newly granted but already granted by indult, the Decrees concerning primary and secondary feasts, promulgated by the Sacred Congregation, obligate immediately and perpetually to their very occurrence, or only with a future reform of the perpetual calendar. All these questions raised in the matter are appropriately addressed by the Decree of the Sacred Congregation in Ávila, which states that the laws concerning secondary and primary feasts, and the offices granted from ancient times, are to be applied both to accidental and to fixed feasts, and indeed immediately after their promulgation, and not to be suspended until a future reform of the perpetual calendar. Certain controversy seems to be introduced by the words of the General Decree, number 3811, by which the Sacred Congregation, on November 21, 1893, prescribed: "11. If there are two feasts, one of which is ancient and the other new, one being on the day of the nativity, the other on a quasi-natality, the former should be preferred to the latter. If, however, the feast which is on the quasi-natality is of a more solemn rite, or even of equal rank, but proper, or primary, or of greater dignity, the latter should be preferred, which is to be celebrated on the primary day according to the rubrics." The words of this Decree, as they are understood, seem indeed to give preference to a feast which is more proper on the quasi-natality, over offices placed on the day of the nativity, even though the former is secondary and the latter is primary, and are to be observed. The reason for the doubt seems to lie in the fact that the property of a feast, as a primary feast, and therefore all those qualities arising from its primary nature and dignity, are those which, according to the Decree, should be considered in determining the precedence of one feast over another in the case of a collision. Hence, it would follow that in the Diocese of Ávila, the secondary feasts but more proper of the Conversion of Saint Augustine and the Transverberation of Saint Teresa could be celebrated respectively on May 5th and August 27th;

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even though the Acts occur on those same days.

[*Latin ed. p. 114*]

114 FROM THE SACRED REGULATIONS Concerning the Primacy of Feasts within the Universal Church. However, in this decree, the Sacred Congregation seems to have intended to indicate only those qualities which reconcile the preference given to feasts celebrated on quasi-natal days with the offices celebrated on natal days, and not to establish the order of these qualities; this is clearly demonstrated if, according to the very wording of the decree, the first point is considered. For, the greater propriety of a feast celebrated on a natal day, in order to claim precedence over another office celebrated on the same natal day, will not at all be justified, unless both the primary reason and the significant dignity are equal on both sides: certainly, the same greater propriety cannot be considered in a quasi-natal day, which is certainly adorned with fewer ornaments than a natal day. It is not, however, difficult to suppose that the subsequent words of the General Decree could have been more clearly arranged: "Or, let one be equal in rank, but of greater dignity, or more proper, be preferred to the other." Nor can we uselessly discuss the question, even by interpreting the subsequent decree in a way that is congruent, namely, whether the approval granted by the Sacred Congregation to perpetual calendars can effect that days established for celebrating feasts outside of the natal day become, as it were, quasi-natal days for persons and mysteries in those places for which the calendar is approved. We present a response, having carefully considered all and each of the important points in this matter: 1. If a person or mystery is celebrated within the Universal Church on a natal day or a quasi-natal day, and both of these days are prohibited in particular calendars, so that the feast must be transferred to the first free day; this newly assigned day is not to be considered a quasi-natal day, but merely an assigned day. It is true that the Apostolic See's approval attached to perpetual calendars often serves to constitute a day as a quasi-natal day, so that, unless by special or memorable dispensation, if a Church were to place a Saint or Mystery simply assigned in the approved calendar on a particular day, it would not, of course, be able to celebrate it on that assigned day, but rather would be obliged to celebrate it on the natal day or quasi-natal day together with the Universal Church; 2. If a person or mystery is not celebrated at all within the Universal Church as a feast, and the natal day of that person or mystery is...

[*Latin ed. p. 115*]

From the Sacred Ritual, 115: If, for reasons pertaining to the Apostolic See, or because the granting of new offices prevents it, the Feast of Alet cannot be celebrated on the designated day, then that day, beyond the already celebrated Nativity, shall be considered as a quasi-feast for that particular

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Church; thus, the titular and patron saint cannot be commemorated on their proper Nativity, but a relative feast shall be celebrated on the assigned day, which, in this case, is considered a quasi-feast for that place.

Therefore, to summarize these rules briefly, we can say: If particular Churches are required to celebrate certain feasts, it is not for their own sake, but for the sake of another to which they are related, such as an Order or Regular Congregation, or a Diocese to the entire Church; Regular Provinces to their respective Order; Monasteries or Convents to the Regular Province; likewise, Parishes to the Diocese: in each of these cases, the particular Churches must agree with the more universal Church in choosing the day for commemorating Saints or Mysteries.

Indeed, if a particular Church cannot conform to the others in celebrating the Nativity or quasi-Nativity due to an impediment, it may only observe the assigned day and not celebrate a quasi-Nativity that is specifically its own for these feasts. However, it must be understood that this is subject to consideration: for example, through an Indult, or even through a well-established custom, a particular Church may sometimes celebrate common feasts on a Nativity or quasi-Nativity that is specifically its own and distinct.

It is necessary to explain this further: for if in some places an assigned day, other than the Nativity or quasi-Nativity, is designated for celebrating a universal feast of the Church because it is impeded on that day, it would not be considered a quasi-Nativity; certainly, in the Diocese of Alet, the feasts of St. Pius V, St. Joseph of Calasanctius, and St. Thomas of Villanova could and should be observed on the assigned days, since, through the perpetual Calendar approved by the Apostolic See, those days had already become quasi-feasts.

And indeed, since all the rights of the Nativity are legitimately and stably transferred to the quasi-feast, it is no longer permitted, even with an Apostolic Indult, to celebrate the feast on another day, even if it is the Nativity; indeed, in the Diocese of Alet and elsewhere, the days assigned for observing the universal feast of the Church, as hindered by the Rubrics, cannot be...

[*Latin ed. p. 116*]

116 From the Sacred Congregation of Rites, it is almost as if the feasts are to be computed as if they were natalitia [birthdays]; indeed, because the laws regarding the observance of feasts on primary and secondary days must be observed, it should be the case that the feast itself is celebrated there, just as it has been increased in honor throughout the entire Church. This opinion of ours has been confirmed by a decree in Ávila, and has been approved by other liturgical authors. Although all of these things may seem to have no controversy in theory, some questions still remain, especially concerning the calendars approved by the Apostolic See, and even

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more so concerning the decrees regarding the observance of primary and secondary feasts, and the days assigned to the quasi-natalitia [anniversary] observance, which must be carefully reviewed; for if a secondary feast, such as one placed on a natalitia or quasi-natalitia day, should happen to be the same as the day that is the natalitia or quasi-natalitia for another primary feast of the universal Church, then the same observance must be maintained. It can also be inquired whether a secondary feast, even if it has already been established, should immediately be moved to the next free day, so that room can be made for the primary feast of the universal Church established on this or that quasi-natalitia day; or whether it can remain in its ancient place, at least until the perpetual reform of the calendar is finally completed. If the decree in Ávila is strictly interpreted, then a secondary feast of this kind must, as long as it is present, be removed, so that the primary feast can be restored. Indeed, according to decree no. 3811, only a limited time is allowed for the reform of the calendar, so that a new feast can be placed on the same day as the old feast; but this is not permitted if one of them is placed on a natalitia or quasi-natalitia day. In that decree, the following words are expressly stated and are under this number: "IV. If two offices, one ancient and one new, are assigned to the same day, the ancient one should be preferred, even if it is more noble, or even if it has been transferred to an earlier day, in terms of rite, or in terms of primary importance, or in terms of dignity. - Nevertheless, if the perpetual calendar of a particular Church is to be reformed, the order of rites, the reason for the primary importance, the excellence of dignity, and the priority of the transfer should be observed, if they are present." Therefore, in the cases that the Sacred Rites permit,

[*Latin ed. p. 117*]

From the Sacred Canons of the Ritual, 117, it is permitted, for other reasons, to refrain from observing it; hence, it is understood that the time for reforming the perpetual calendar should be postponed, permitted by the same Sacred Congregation, only when two offices coincide on a given day; not, however, annually, should it be postponed if two offices are to be celebrated, one of which recurs either on the birthday or quasi-birthday of a saint. Therefore, having examined the Decree of Ávila, it is added from the General Decree, 3811: in particular churches, immediately, according to the norms of the new liturgical law, perpetual office translations must be changed; however, it does not seem necessary to wait for the opportunity to reform the perpetual calendar, so that new laws may be put into effect. Nevertheless, if this partial correction of the perpetual calendar seems to introduce serious difficulties, and to prepare confusion in the drafting of the order of the divine Office, we believe it is sufficient, and especially if it concerns offices celebrated from ancient times, to disregard, for the time being, the secondary feast of that day; until, that is, the complete reform of

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the perpetual calendar is perfected by the Apostolic See, and the order of the feasts and offices is arranged according to the most recent norms of the rubrics and decrees. Indeed, very serious inconveniences could inevitably arise, such that the obligation of certain laws might remain suspended in the meantime, until a suitable remedy for these difficulties has been provided in the perpetual calendar, always to be approved by the Apostolic See. Truly, there are not lacking examples that confirm our way of thinking. In the Roman Breviary, the Seraphic edition, on February 6, the feast assigned to Saint Agatha, Virgin and Martyr, is impeded by the preceding feast of the Most Holy Martyrs of Japan; and on February 23, the Office of the Chair of Saint Peter in Antioch is celebrated, which is impeded on the preceding day by the feast of Saint Margaret of Cortona. Furthermore, as we have said above, the days of February 6 and 23, for Saint Agatha and for the Chair of Antioch, respectively, cannot be considered as assigned for either feast. On these two days, in the entire Church, the feast of Saint Titus is observed, as well as that of Saint Peter Damian, the former being on a quasi-natalitia day, the latter on a feast day.

[*Latin ed. p. 118*]

118 FROM THE SACRED CONGREGATION, the feasts of the saints are observed; therefore, should we delay in any way? It would be preferable to give precedence to the feast over other offices that happen to fall on the same day. The decree of the General Council, number 3811, joins this absolute rule: "III. Of the two saints, one of whom is ancient, the other new, one must be assigned to the day of his nativity or quasi-nativity, the other to a day assigned to him, whether it be his own or not, or as if it were his own; the one, with regard to the rite, the reason, and also the dignity, should be preferred to the other, who will be assigned to the first day according to the rubrics." However, despite this general decree, in two editions of the Roman Breviary – the Seraphian edition of the year 1900, published in Ratisbon, and the edition of the year 1901, published in Tornaci – neither Saint Titus nor Saint Damian were restored to their respective days of nativity or quasi-nativity, nor were the feasts of Saint Agatha or the Cathedral of Antioch removed from the days to which they had previously been assigned, where, according to the new liturgical law, they could no longer be. Therefore, before the reform of the perpetual Roman-Seraphic Calendar, could any editor, each year, make this correction to the Office and Mass of the Order? We believe that a negative answer should be given to this question, because of the many and serious inconveniences that would result, and especially because of the discord that would arise among the Churches and even among the same Orders, and this all the more, because the Sacred Congregation, in the two editions of the Roman Breviary mentioned above, was silent on the matter. Furthermore, the Sacred Congregation, on September 13, 1882, decreed that offices granted

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by the Constitution of Pope Leo XIII to the universal Church, which are determined by the Constitution *Nullo unquam*, dated July 28, 1882, to be fixed on certain days, may be transferred to the first available day, according to the rubrics. Since the permission of the Sacred Congregation is given without any condition, as everyone knows, therefore, if the Office of a rite of lesser rank, or at least secondary rank, or of lesser dignity, or of less proper observance, is also assigned to the same days, must not the perpetual translation of feasts, according to the latest decrees, be corrected and altered? We believe that a negative answer should be given, because of the controversies that would easily arise in this matter, and because of the many and serious inconveniences that would result; which rightly suggest that the execution of the new decrees and rubrics should be prudently suspended, until—

[*Latin ed. p. 119*]

From the SACER RITUAL, 119, a correction suitable for the perpetual calendar should be approved by the Apostolic See. Likewise, in our case, if similar matters should arise and seem opportune, we believe that the Decree of Abulemi, at least outside this Diocese, can be suspended for the time being, and only brought into practice when the reformation of the calendar is actually implemented; and even more so, since Decrees often do not have immediate retroactive effect, as we have already observed to be the case with the rubric concerning the associates of Patrons and the Titularium, which is sometimes omitted after the table of occurrences. However, we do not believe that this can be approved in cases where serious difficulties may arise; for example, if one were to attempt to reform the order of translations in the Breviary of the Orders or Congregations, or even of a Diocese, already published in accordance with the Missal, but only to correct the order of translations for some Monastery or Church that does not possess a published Appendix, and which only has the translations of its own feasts noted in the perpetual calendar. In these cases, as it appears, the Decree would have an obligatory force, and its full effect would be immediately apparent, and no difficulties would be created by its immediate execution. Finally, all that we have discussed at length, we humbly submit to the examination and judgment of legitimate authority and wise men, and we are prepared to accept their opinion with a willing heart.

FR. PASCHALIS OF PERUGIA, O.F.M.

<E>«SJ'<S= SACRED CONGREGATION OF CEREMONIES TO THE RECTORS OF CHURCHES IN THE CITY: DECREE. It has always been the custom of the Church, in performing sacred rites, to use a more splendid ritual at times, so that the exterior magnificence might better impress upon men the greatness of the things being celebrated. Then, the

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Divine Bride of Christ, the royal Prophet, said:

[*Latin ed. p. 120*]

120 FROM THE SACRED CONGREGATION OF CEREMONIES: "The daughters of kings have delighted thee in thy glory. The queen stood on thy right hand, in gilded clothing; surrounded with variety." Moreover, when the sacred rites are performed, not only the furnishings and ornaments of the temple, but also the very authority and dignity with which the sacred rites are to be carried out, are of the greatest importance; therefore, the most distinguished prelates are usually invited, more frequently Bishops, and less frequently Cardinals of the Holy Roman Church. The proper decorum for both orders, and especially for the Purple Fathers, is fully prescribed by law, and their rights, honors, and privileges are defined, both in general and also in those matters pertaining to the more splendid celebration of certain sacred rites. Because the present times seem to demand that we be diligent in guarding against the daily majesty of the sacred rites being diminished in the eyes of the people, the Sacred Congregation of Ceremonies has decided to establish norms to be observed by the Rectors of the churches of the City, which follow as follows (1): I. Since it is of great importance that the dignity of the Cardinals and Purple Fathers be preserved, the Rectors of the churches in the City are admonished not to invite Purple Fathers too frequently, nor too easily, even when solemn sacred rites are being performed (2). II. In Pontifical Masses and Vespers, in addition to what is prescribed in the Ceremonial Book, the following conditions must be observed: 1. Cardinals must be invited only for a special and uncommon reason, that is, for the celebration of a particular feast (3); 2. The size of the temple, for the performance of pontifical rites, must be appropriate, especially in the sanctuary, so that the ceremonies may be performed properly and conveniently; and the temple itself must be more dignified and distinguished (4); 3. The number of sacred ministers and other assistants must be present, as prescribed by the laws of the liturgy; and each one must perform his office properly. And the greater ministers, in the pontifical rites of the Purple Fathers, must be constituted in dignity in the church; and at least some clerics must be present. Furthermore, a fitting and appropriate number of secular or regular clergy must attend the celebrating Cardinal (5); 4. The type of music to be used in the sacred action must be approved by the Church. Especially when the Most Holy Sacrifice of the Mass is celebrated, no other music is permitted besides the Gregorian chant, except that which is sung by voices alone, according to the custom of the choirs of the Supreme Pontiff and the Cardinals. And the singers must leave nothing to be desired, either in number or in skill (6).

[*Latin ed. p. 121*]

FROM THE SACRED CONGREGATION OF RITES 121 III. The

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Sacred Congregation of Rites declares that the singular and uncommon celebration of a feast, as mentioned above, should be accompanied by certain solemnities which are more elaborate, celebrated with great pomp, and with a large attendance of the people, such as, for example, the three days of supplication following beatification, or the eight days following canonization; likewise, in secular commemorations, and similar occasions. If a solemnity is appointed for three days, only the last day may have pontifical functions; if for eight days, then only the last seven days (7). Furthermore, if any Cardinal Priest wishes to perform pontifical functions in his own church, or if he desires to solemnly assist at sacred functions there, which is permissible for Deacons, even Cardinals, in their own church, the rectors of the churches must take care of all things and arrange everything according to the prescriptions concerning their rights (8). IV. No Cardinal, whether of the order of bishops or priests, or even, if he possesses the privilege, of the order of deacons, shall be invited to private Masses in public churches of the city, unless it has been previously considered what the solemnity is, and how great its dignity, scope, and quality are; whether all things are properly prepared and arranged, so that the Cardinal Priest may be received, treated, and conducted with the honor and reverence due to him, while adhering strictly to the prescriptions of the Sacred Rites and the rules of ceremonies (9). V. The same applies if a Cardinal is invited to solemnly bless the people with the Most Holy Sacrament. In such a rite, as is also rare, it is necessary to ensure that the sacred ministers are of suitable dignity in some church; and that the lower clergy are commendable in number and quality. However, for novenas, or triduums of supplication, even if more solemn (except for the cases mentioned in n. 11), Cardinals should not be invited daily, except perhaps on the last day, unless the sacred commemoration is of greater importance and requires a more splendid arrangement. Furthermore, the rectors of the churches of the city should not invite Cardinals to any solemnities, unless they have first consulted with the officials of the apostolic ceremonies, or with the masters (10). VI. The rite of absolution, after the Mass for the Dead celebrated by a bishop or priest, should not be performed by a Cardinal of the order of bishops or priests, unless it is just...

[*Latin ed. p. 122*]

122 FROM THE HOLY CONGREGATION OF CEREMONIES: Funerals are to be celebrated either by the Supreme Pontiff, or by a Cardinal Patriarch, or by a Catholic Prince; and so that the commemoration of all the faithful departed may be made all the more solemn; also, for some significant reason within a community, or for a public and lamentable event, all things are to be observed with the utmost care, as has been said above, concerning the condition of the church, the dignity, skill, and number of the ministers, and the type of chants (11). VII. It is not permissible to invite bishops

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to pontifical Masses or Vespers, where there is no true reason for such solemnity, or if it has not been carefully considered, lest, perhaps, the performance of these rites be hindered by a lack of space, or by the condition or insufficient number of the servers. Therefore, the Holy Congregation reminds all and each rectors of churches in the city, that, in order to safeguard the dignity of the episcopate, which concerns the splendor and spaciousness of the church, and which concerns the more solemn celebration of the feast, and the quality and number of the sacred ministers and other servants, as has been prescribed above, they should suitably consider these matters in those cases in which they desire to invite a bishop, whether to those sacred celebrations, or even to the celebration of a private Mass, or to bless the people with the Most Holy Sacrament, or to similar occasions (12). All of these things were established and approved by the Holy Congregation of Ceremonies, and were recorded in the archives of the Vatican, on the 23rd of May of the year 1902, and were reported to His Most Holy Lordship, Pope Leo XIII, and His Holiness approved and confirmed them on the 30th of the same month and year. ALOISIUS CARD. OREGLIA, Prefect of the Holy Congregation of Ceremonies. STEPHEN, Prefect of the Holy Congregation of Ceremonies. L. * S. LUDOVICUS GRABINSKI, Secretary. NOTES on the report of the Holy Congregation of Ceremonies, Decree. (1) We gladly insert this decree of the Holy Congregation of Ceremonies in our Ephemerides, not only for those who are concerned with liturgical matters, but especially because it is truly opportune, indeed necessary.

[*Latin ed. p. 123*]

FROM THE SACRED CONGREGATION OF CEREMONIES 123, the highest authority has arisen to combat numerous abuses. The following was decreed: To the Rectors of churches in the City, that when functions are performed with solemnity and sacred pomp, and a Cardinal of the Holy Roman Church is invited, the following must be observed. It has been found, in fact, that very often, due to the excessive number of Cardinals invited, the churches do not have a sufficient number, nor a respectable quality, of instructed ministers, and thus the due dignity of the sacred rites is not properly observed. Therefore, the following rules are given to the Rectors of the churches in this case. (2) From another similar Decree of the Sacred Congregation of Ceremonies, we quote the following: "The eminent dignity with which the Most Reverend Cardinals, advisors to the Supreme Pontiff and members of the august Senate of the Church, shine in the Church, clearly demands that a high opinion of them should prevail among the Christian people. Therefore, it is not surprising that many laws, decrees, and constitutions have been enacted, granting to this most excellent Order extensive rights, privileges, and honors, especially those pertaining to the more splendid celebration of sacred rites by their own presence. Since our times seem to require that great care be taken

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to prevent such majesty from suffering any detriment and from being diminished by daily use, the Sacred Congregation deemed it opportune to propose certain norms for the matter, and to present them to the Rectors of the churches in the City, also showing them to the Fathers." (3) Furthermore, no confraternity, no pious society, should desire to have one of the Cardinals officiating at its celebrations. Therefore, in order to restrain the personal attention and humility of the Cardinals, so that they do not readily accept such invitations, it is prescribed that the celebration of the feast should not be a common or insignificant matter. (4) This Decree does not only speak of the extent of the temple and, in particular, of the presbytery, so that the ceremonies may expand and be perfected with their splendor, but it openly prescribes that the temple should be of the most distinguished and most notable kind. Distinguished: because it excels in sacred memories, in the frequency of the clergy, and in the presence of the bodies of saints, among other things; notable: because of its ample size, its artistic decorations, and...

[*Latin ed. p. 124*]

124 FROM THE SACRED CONGREGATION OF CEREMONIES: The magnificence, surpassing all others, is considered to be such that it is not fitting to invite Cardinals, nor is it permitted, even in chapels and churches, and in other churches, whether more or less important. (5) How often have we seen a Cardinal, robed in purple, administering the Sacrament with the Blessed Sacrament, accompanied by two ministers, one wearing a dalmatic and another a tunic, and another holding the ostensorium, while ministers carry the book, the fan, the thurible, and the censer, and a few boys are clothed in some manner resembling clerical attire! And as is said in another decree: "A Cardinal invited outside of his own title should not officiate unless he hears, with his own ears, the register of the apostolic ceremonies," so that he may be more certain of the service of both ministers and clergy, etc. It is a great source of admiration for priests, and even for laymen visiting Rome, to see Cardinals performing sacred functions, and not always having true clerics, e.g., from seminaries, readily available, which are so numerous in the city. They are accustomed to seeing bishops in their own dioceses who perform no sacred function, and even though it is a minor matter, they cannot persuade themselves why the clerics of the city's seminaries cannot always be present. Indeed, these students should be dedicated to their studies, and they are often occupied with exercises of piety in their own chapels; but they are also trained to perform divine worship, and therefore it is entirely fitting that they should be employed, especially when the most eminent Cardinals are performing sacred duties. It is certainly the highest honor for these students, and almost a reward, to minister before God when the Cardinals in purple are performing solemnities. But since it is also necessary not to wander too much through the churches, this

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limitation of the present decree is wisely provided. Surely no one would say that the students of seminaries should decline such a duty, as if it were improper or burdensome for them. In Rome, Bishops and Prelates minister to the Supreme Pontiff; and in the patriarchal churches of the city, there are benefices, although priests who serve the canons, and even their colleagues, would certainly gladly provide assistance to the students of the seminaries to the Cardinals, who, as is said in the law, are "coadjutors of the Lord Pope, his closest advisors, and constitute his senate"? However, if the students of the seminaries are not available, at least other clerics should be present.

[*Latin ed. p. 125*]

FROM THE SACRED CONGREGATION OF RITES 125. What is prescribed here for lesser clerics who minister, should be applied even more to the higher ministers. Therefore, if the church does not have resident Canons, other priests of suitable rank, such as a Prelate, should be invited, as is prescribed in this section. However, if there is no body of Canons in the church, but rather a sodality of monks or religious, then Prelates of higher rank should offer their assistance. Finally, at the end of this number, it must also be ensured that, unless there is a clergy present, an external priest should be called. (6) It is of great importance that the type of music used in the functions to be performed by a Cardinal is prescribed here. Already, on October 7, 1738, as noted in the *Ephemeris Rassegna Gregoriana*, nos. 8 and 9, the Sacred Congregation of Rites had addressed the same matter and had decreed that, in the chapels of Cardinals, as in the Papal functions, only vocal music should be used, without any accompanying instruments. Now, the Sacred Congregation extends this decree to the principal functions which are celebrated by a Cardinal according to the pontifical rite. In this section, reference is made to Vespers and Masses, and it is stated: especially when the Most Eminent one performs the "Sacred Solemnity"; therefore, when he reads the Mass, when he attends Vespers or Mass celebrated by another, or when he imparts the blessing with the Most Holy Sacrament, music may also be used, even with the organ accompanying. However, even for these functions, a suitable and general prescription is given: The type of music... must be approved by the church. Let the music masters now see to it that certain parts of the Mass or certain Psalms, due to their length, the excessive repetition of words, and the accompaniment of excessively loud musical instruments, are not performed! A beautiful and special prescription is given regarding the type of music to be used in the solemn functions celebrated by the Most Eminent one, which is most fitting for the decorum of the function. And first, the Gregorian chant is approved, to which alone the name of ecclesiastical and liturgical chant rightly belongs, since it is proper to the Church and the liturgy. Besides this, no other type of singing should be accepted, except for polyphonic singing composed solely of voices, according to the custom of the pontifical chapel.

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In this way, the danger is averted that some type of music may perhaps be less worthy of the church, and the music masters and singers will be given an opportunity to provide wonderful...

[*Latin ed. p. 126*]

126 FROM THE HOLY CONGREGATION OF CEREMONIES: The classical positions concerning polyphony, which had become too obscure, are to be restored and performed more frequently. However, the sound of the organ is not entirely prohibited, since it is most fitting that sublime Gregorian chants be accompanied by the organ, as the correct science teaches; this is not to be rejected. Similarly, when it is said here that only that singing is to be received, besides that which is not disapproved of because of the sound of the organ, when the Most Eminent Cardinal enters the church, and also at other times, if the rite permits, as is stated in the Ceremonial of Bishops. But what is meant by the word "especially"? It is always prescribed in pontifical functions celebrated by the Most Reverend Father, that this chant, especially, and indeed, according to a stricter precept, be sung at pontifical Masses, celebrated in the morning. It is therefore clear that the Holy Congregation of Ceremonies did not avoid the difficulty of applying this prescription to Vespers, at least immediately; for which reason it seemed better to adhere to the stricter precept only for Masses. It is to be hoped that all church rectors and musicians will rightly understand the nature and purpose of Vespers, and will read in the Ceremonial of Bishops how the Church ordains Vespers to be celebrated. Then the present prescription of the Sacred Congregation of Ceremonies will appear to them to be entirely appropriate. (7) In this section, an example is given to indicate the degree and solemnity of a feast, which the Cardinal may invite to. This applies to the triduum after beatification, or the octiduum after canonization, or to some other similar solemn occasion. By this article, those blessings with the Most Holy Sacrament are not prohibited, which are usually given to Cardinals daily during the novena of the Immaculate Conception of the Most Holy Virgin in the church of the Twelve Apostles, and of Saint Philip Neri in the church of Saint Mary in Vallicella, nor during the octiduum of Epiphany in the church of Saint Andrew in Valle. It has been observed that the Roman people attend these solemn sacred functions with great devotion. Therefore, their celebration is appropriate to the dignity of the cardinalate. (8) Concerning solemnities for resolving matters in a particular Title, or Diaconate, nothing else is said here, which would prevent rectors from acting with dignity in accordance with the prescribed solemnity; since Titles and Diaconates...

[*Latin ed. p. 127*]

FROM THE SACRED CONGREGATION OF CEREMONIES 127. Marriages celebrated by Cardinals have their own particular customs. (9) For

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the Mass, however, which is to be celebrated publicly in churches of the City, the following are required: 1° a solemnity, 2° dignity, 3° amplitude, and fitting circumstances. Therefore, in private chapels, and in semi-public chapels, or in the interior of some religious institute, a Cardinal can still celebrate Mass, even if the dignity and amplitude of the place are not always present. However, when private and semi-public chapels are not open to the public, or when many are invited, it is not contrary to the decrees and sentiments of the Sacred Congregation that the Cardinal should celebrate the Mass with simpler vestments. We believe, however, that if the invitation is made for the sake of a feast day, then, insofar as the access of the people is free, or there is a large number of invited guests, the vestments and other conditions should not be lacking. In this section, it is also stated that the Cardinal should be received, treated, and dismissed with all due honor and reverence; and so it should be. Indeed, when the Most Eminent Cardinal arrives at a church, even for a private ceremony, he should be received with appropriate honors, led by a superior, and then dismissed. It has sometimes been observed in some churches that only one priest, or some member of a confraternity, is present, which is not always commendable. (10) This section concludes most appropriately by stating that the masters of the apostolic ceremonies should always be consulted before any Cardinal is invited by the rectors of churches. For then, both the rector who invites and the Cardinal who accepts the invitation will be safe in the knowledge that this decree of the Sacred Congregation will be fully carried out, to the greatest benefit and with the highest splendor of the illustrious College of Cardinals and the sacred functions. Thus, as is stated elsewhere, it is also to be cautioned that no innovations should be introduced in other rites or ceremonies, besides those mentioned, which are less suitable for the dignity of the Cardinals, which has sometimes happened. (11) Here, the rite of absolution after a funeral Mass is mentioned, but only for the most solemn funerals, in which it is fitting that the Cardinal should impart the final blessing. Note, however, that this absolution should be given only by a Cardinal in the order of bishops or priests; for deacons never perform such public functions, since they receive certain faculties from the Supreme Pontiff.

[*Latin ed. p. 128*]

128. EX S. CONGREGATIONE CAEREMONIALI: Sunt determinatae functiones quae agendae sunt, et quae sunt privatae Missae celebratio, et Benedictionis cum SSmto Sacramento impertitio, semper tamen extra propriam Diaconiam. Item, oportet ut funebria celebrentur pro persona superiori vel aequali; nempe pro Pontifice, pro Rege catholico, vel pro alio Cardinali. Quando haec sollemnia parentalia celebrantur praesente corpore, tunc reguntur consuetis legibus, quae in Cappella pontificia sunt propriae, de quibus hic non agitur. Quando vero aguntur funera

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corpore non praesente, uti in diebus VII, aut XXX, etc., tunc locum habent dispositiones huius paragraphi. Adverte tandem, quod si funera aguntur de aliqua determinata persona, haec, ut diximus, superior debet esse, aut aequalis, in dignitate Cardinali absolventi; si vero agatur de funebribus solemnibus, in Decreto enumeratis, non pro una tantum persona, sed pro omnibus fidelibus defunctis vel communitate aliqua, tunc item Cardinalis absolutionem praebere valet ad tumulum, dummodo observantur quae in hoc § praecipiuntur. In Patrum Cardinalium funebriis celebrandis, antiquus mos nunc non amplius servatur, a Rituali Romano commendatus, decantandi scilicet defunctorum officium, statim ac feretur et in medio Ecclesiae depositum sit, quod, ob specialia tempora nostrorum, a Summo Pontifice, prouthodie celebrantur, exequiae ordinantur, verum in aliis funebriis, maxime praesente corpore, utinam hic mos praxirevocaretur.

(12) Ultimo, agituretiam de functionibus peragendis ab Episcopis in Urbe degentibus. Nunquam satis erit hic § commendandus; compertum est enim quomodo sancta Mater Ecclesia honorem quem prosequitur eos, qui character episcopali praefulgent. Ii sunt Apostolorum successores, ii sunt qui plenitudinem habent sacerdotii; numquam ergo permitti potest, ut Episcopis celebrantibus, ea solemnitate ritus peragantur, quae dignitati episcopali non respondeat. Hinc comprobare non possumus nimiam facilitatem qua invitant Episcopi ut pontificalia agant in aliquibus ecclesiis, in quibus ritus sacri, qui praest gravitatem, expleri nequeunt.

[*Latin ed. p. 129*]

129 LETTER from Our Most Holy Lord Leo XIII to the Abbot of the Monastery of Crypta Ferreta, concerning the plan to celebrate with solemn festivities the ninth centenary from the time when the aforementioned Monastery was founded: We have gladly received your letter and the greetings of certain esteemed individuals, under the auspices of our beloved Son, the Cardinal Bishop of Tusculum, who have informed us of the plan to celebrate with solemn festivities the ninth centenary, which will be reached not long hence, from the time when the most holy Nilus, along with other Greek monks, founded the first Monastery at Crypta Ferreta in the region of Tusculum; and after he had lived a life pleasing to God, he glorified his remains. It is fitting for the sons of the Fathers to remember the glory of their predecessors, and to encourage the spirits of future generations with their most honorable examples. - And now, since we approve of your proposal, we grant our consent. We send you a letter adorned with good works, by which the Monastery of Tusculum commends itself to the memory of men. We send, and this is greater, the praises of religious virtues, which deserve to be extolled especially at this time, when they are so vigorously attacked. But most worthy of remembrance is that, along with many other examples, this very event shines forth pre-eminently; it is a testimony of the solicitude and the most

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heartfelt concern which the Roman Pontiffs have always demonstrated for the sons of the East. Indeed, not once, but repeatedly, have they welcomed them into Italy with generous hospitality, the Roman Pontiffs being the authors thereof; many of them, especially those from monastic orders, have fled to this venerable City, or to other rich and prosperous places, and have been granted refuge and support by the benevolence of Our Predecessors. - But among the others whom the Latin land has nurtured, like flowers of Eastern piety, the Monastery of Tusculum does not claim the least place, which, in the very heart of the City, has flourished under the protection of the Roman See, and for a long space of time, it still stands as a monument of the old unity. This very thing, which we have always cherished, you recall to us with a grateful spirit in your letter. And this is not unpleasing to us, nor do we neglect to remember it. For when we commanded that the sacred rites be restored to their purity in the Greek tradition, and we provided other things that would contribute to its useful growth, Our mind looked further ahead. Indeed, through Apostolic charity, Our actions encompass noble deeds, Volume XXXV, Book C, Chapter XI, Section 9.

[*Latin ed. p. 130*]

130 I observed with sorrow that a multitude of souls, once belonging to the flock of the Church, had been tragically torn away, and I sought to invite them back to the safety of faith and the restoration of unity. – Our endeavors were hindered by the lack of cooperation from certain monks; nevertheless, I hold out the hope that, in time, the outcome of our efforts will be blessed. In the meantime, we foster with benevolence this noble undertaking of letters and religion, and we readily approve of your initiative. We impart our Apostolic Blessing to you, to all the monks of the monastery, and to all other distinguished men who labor with you in pursuing this worthy goal. Given in Rome, at Saint Peter's, on the 9th of September, 1902, in the fifteenth year of Our Pontificate. LEO XIII, Pope. To Our beloved son, Arsenio Pellegrini, Abbot of the Monastery of the Iron Crypt.

FROM THE HOLY CONGREGATION OF THE COUNCIL AND THE CHAMBER.

ON THE NULLITY OF MARRIAGES.

August 16, 1902. Session 24, chapter 13. Concerning the reform of marriages.

In the case of the nullity of the marriage contracted by Evangelina on March 9, 1896, with Venantio, which was first brought before the General Congregation on July 20, 1901, it pleased the Fathers to decree, through a rescript, that: "The evidence should be extended and assisted, according to

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the instruction to be given by the Defender of the Marriage ex officio."

Presented again in the plenary Congregation on March 1, 1902, the Holy Congregation decreed: "Postponed," and ordered "that a COMPENDIUM OF THE FACTS be prepared."

[*Latin ed. p. 131*]

CAMERINEN. Fifteen witnesses are questioned to ascertain whether Censi spoke the truth, and whether the nuns know anything about the violence committed by the father against his daughter; they are also questioned whether they still possess the letters which Evangelina claims to have left in the Monastery, and finally, Sister Giulini is heard separately to answer whether she wrote the aforementioned letters, and, if so, whether she remembers what she communicated to the father of Evangelina. The Most Reverend Archbishop of Camerinen, acting according to your instructions, completed the supplementary proceedings, and, transmitting them to the Sacred Congregation of the Holy Office, reported concerning the honesty, religion, and veracity of a certain Joseph: "Regarding the testimony that I am required to obtain from Joseph, I do not hesitate to declare that he is a Catholic, who frequents the Church and the Sacraments, an example of utmost honesty and good morals in his homeland, possessing abundant wealth, and in whom there is no doubt concerning his veracity."

SYNOPTIC ACCOUNT OF THE DISPUTE. In the year 1900, on January 15th, the Tribunal of Camerinen, in the first instance of judgment, rendered a sentence against the validity of the marriage between Evangelina and Ventianus, due to a proven, according to positive law, lack of true and internal consent on the part of Evangelina. As is prescribed by law, the defender of the marriage appealed to the Sacred Congregation of the Holy Office, which, after considering the opinions of theologians and canonists who concluded in the same judgment, and after receiving the observations of the Reverend Defender of the marriage, ex officio, ordered on July 20, 1901, that new investigations be conducted according to instructions to be provided by the aforementioned Defender. Such instructions, as appears in the records, were authentically sent, dated November 18, 1901, to the Archbishop of Camerinen, who, diligently complying with the mandates of this Sacred Congregation, instituted supplementary proceedings concerning those matters which, according to the received instructions, could be put into effect, and, on January 14, 1902, submitted to the Sacred Congregation of the Holy Office everything that he had legally been able to gather.

[*Latin ed. p. 132*]

152 FROM THE ACTS OF THE HOLY CONGREGATION. This supplement to the acts was presented to the distinguished Consultor, who, by virtue of his office, acts as the defender of the marriage, so that he him-

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self might declare whether the appended and examined arguments are sufficient to support the evidence against the validity of the marriage in question. However, he gave a negative response; indeed, seizing the opportunity, he devised and presented further objections. Therefore, on March 1, 1902, in the general sessions of the Holy Congregation, the case was again proposed, together with the recent acts and observations, and it was prudently decided to postpone the resolution once more, so that, in accordance with the opinion of some, certain assertions and circumstances contained in the supplementary acts might be legally recognized and determined; namely, those which are most likely to shed light on the matter under consideration. The Archbishop of Camerino ordered that all and each of the things which the Holy Congregation had reserved, through a letter dated March 5 of the same year, be examined in detail by the tribunal of his court; and then, having thus legally accumulated the latest acts, he returned them to the same Holy Congregation, together with urgent requests that a judgment be issued as soon as possible, "in order to bring peace and tranquility to the parties, to remove a great and prolonged scandal, and even to provide for the legitimization of the children." These, indeed, are undoubtedly weighty reasons, which are judged to be more urgent by the zeal for souls with which the Most Eminent Lords are fully endowed; but since in all things, God's will must come first, it is necessary first and foremost to clearly establish that in the present marriage, there was never a true and internal consent, so that the bond was never truly established before God. And it has been honorably entrusted to me to carefully examine the supplementary acts, to compare them with the previous acts, and to report on the results. Since, in the initial presentation of this case before the Most Eminent Lords, I, as appointed Canon Law Consultor, expressed my opinion, therefore, in the present instance, I will do nothing other than to add arguments for the truth, confirming the aforementioned evidence and explaining the observations of the defenders, maintaining the opinion that I held in the aforementioned advisory opinion.

[*Latin ed. p. 133*]

CAMERINEN. i 53 Great weight must be given to the sworn testimony of the one who experienced fear, especially if other presumptions concur, which favor it. (Pignatelli and S. C. C. in Valentina, Professionis, 1773). Now, the Actrix, who had sworn in the records in question 2j5, likewise, indeed more firmly, confirms in the supplementary records; for, when asked by the judge: "With full conscience, I answer that the marriage I celebrated with Venanzio was not at all spontaneous and free, because I did not want to know anything about him; I did it externally with my displeasure and without my will, and not freely, but I was induced to do so by the grave threats of my father, who had declared on several occasions that he would even kill himself if I did not resolve to marry Venanzio. Therefore, to escape

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such terrible and terrible disasters and disturbances, I was induced to do what I did; but I repeat, without my will and freedom. I have said this before, and today I fully reaffirm it." Therefore, again, there is the Actrix's sworn confession, to which great weight must be given, indeed, it can be securely believed that she lacked true and internal consent, if such conjectures and supporting evidence are joined together, so as to provide moral certainty to the judge. First of all, Evangelina attributes the cause of her tears to the force and fear inflicted upon her by her father. Here, I believe it should be noted what I said in the first vote: "that the Actrix experienced fear directly inflicted by her parent, so that she would take Venanzio as her husband, is not so clearly derived from the process, as it clearly appears that force was truly present so that she would not choose or prefer Vincent in order to enter into marriage with him." Now, I not only confirm this, but I dare to say even more from the supplementary records, that the Actrix always experienced fear directly in order to enter into marriage, either with Venanzio, or not to enter into marriage with Vincent; or rather, in this case, there is present an unjust violence primarily and directly against marriage with Vincent; also present is a secondary and direct violence for marriage with Venanzio, and indirectly against Vincent.

[*Latin ed. p. 134*]

134. From the Council of Trent. And truly, John, with importunate and frequent persuasions, sharp reproaches, threats, and injuries, dissuaded his daughter, Evangelina, his only child and without a mother, so that she would not keep the free promise of marriage with Vincent, nor should she any longer hope for a future marriage with the same. That this was John's firm will, contrary to his daughter's inclination, even up to an unfavorable marriage with Venantius, is clearly evident. Therefore, in this respect, fear was certainly instilled, not to extort, but to prevent the marriage with a specific person. But to prevent or to extort a marriage is the same thing; for fear, by preventing externally the will in the choice of a husband or wife, takes away that liberty which is positively required by law. This is further confirmed. The principal and most effective means that the father of Evangelina devised was to extort from his daughter a marriage with Venantius, thereby in this way closing all avenues to the young man, Vincent. Therefore, in our case, by instilling fear in the mind, he intends to obtain consent to the marriage by means of extortion; and, without ambiguity, this very fear greatly contributes to the validity of the marriage. Indeed: whether it is a matter of Vincent or of Venantius, there is always and the same person who suffers the fear, and there is always and the same father who inflicts the force in the matter of marriage; therefore, since the ultimate and primary goal of the father of Evangelina consists in the absolute and exclusive prohibition of Evangelina's marriage with the young man, Vincent, this itself constitutes violence in this matter; but the principal means of

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achieving this goal was to extort a marriage for Evangelina with Venantius; therefore, this too is violent; since the nature of the means is determined by the nature of the end. Therefore, it must be concluded that the end intended by the one who instilled fear in this case was always a marriage, not according to the desire and will of the daughter, but according to his own purpose and persistence. The teaching of the most illustrious Sánchez, which he presents in *De Matrimonio*, book 4, disputation 12, number 3 and following, perfectly agrees and is fitting for our topic. "Only..."

[*Latin ed. p. 135*]

CAMERINEN. "For indeed, fear unjustly instilled leads to the extorting of marriage, and thus destroys it." It is not asserted gratuitously: The Apostle John himself states: "Truly, there were no acts of violence, but I do not believe that Venanzio was induced to marry spontaneously. It was a decision made with reluctance, against his nature, against his will, and out of reverential fear. There was certainly no true spontaneity in this decision. I confess ingenuously that in my daughter, there was no true freedom to marry Venanzio; but she was largely induced by me to take this step; I sought all means to prevent the marriage of Vincenzo, and I expressed to my daughter that I would rather lose my life than give my consent to her union with Vincenzo." However, he does not confess everything ingenuously, as will be noted below from the supplementary records. Now, for the truth of the matter, it is of great importance whether the Father justly instilled fear in Evangelina. Certainly, unjustly, and perhaps also unjustly due to her own culpable negligence; for the father himself, and his most devoted wife Felicia, left Evangelina, a young girl of two years, unguarded and unguided, especially at a time when instincts and passions are strongly expressed and fervent. Indeed, parents are certainly not, nor should they be considered as, extraneous persons in the matrimonial affairs of their children; but parents cannot force or prevent their children from entering into marriage with these or those individuals: nor are children, with due regard for piety, charity, and gratitude, bound to obey the commands of their parents in this matter. However, the question here is not of honesty and lawfulness, but of the validity of a consent given with all freedom, which is prescribed by positive law. It is certain that children are capable of entering into marriage against the will and without the consultation of their parents; indeed, it is a matter of faith that such a marriage is valid; because the Holy Council of Trent, Session 24, chapter 1, concerning the reform of marriage, anathematizes those who "falsely affirm that marriages contracted by children without the consent of their parents are invalid, and that parents can make such marriages valid or invalid."

[*Latin ed. p. 136*]

136 From the Council of Trent, it is possible [to do so]. Indeed, the

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Church alone possesses the power to declare a marriage invalid, even against the reasonable wishes of the parents, but it is well known that the Council of Trent hesitated to accept this demand made by the orators of the King of France. Despite these objections, what just cause does the father offer for forbidding his daughter's marriage to Vincent? Certainly, if he has truly sworn it, it is entirely an unworthy and unreasonable reason; for who would dare to consider a personal aversion or hatred towards the family of Vincent as a just and honorable cause? The father confesses, "Honestly, I have never seen the family of Vincent with a good eye, and I have always had great antipathy towards them." And further: "Because of my antipathy towards Vincent," before the protestation of the daughter, she would rather die than be called the mother-in-law of that man. If Felicia has presented other reasons (indeed, the witness is very informed, but not consistent with herself), these reasons are immediately dissolved by the aforementioned aversion alone. Furthermore, Vincent was neither "of unequal condition" nor "of bad character," as Felicia asserts. This is not a matter of nobility of blood, but of families residing in the city, even if they possess good property for life. And if Venantius, the pharmacist, could provide a dowry for Evangelina, why could not Vincent? Moreover, neither of these men should be considered so poor, since Vincent voluntarily dedicated himself to military service for a year in Naples at his own expense, and his uncle is Joseph, as testified by the most eminent Archbishop, a man of exemplary morals and abundant wealth. Then, nothing is presumed unless it is proven. Only the assertion that Vincent is "of bad character" is made, because one witness recounted: "I then heard that Evangelina... after the civil marriage with Vincent, found herself... not loved at all by him, but rather very mistreated, and scorned by everyone, even by his grandmother, who could never look upon her favorably." This statement, apart from the addition typical of women, seems to prove nothing relevant to the matter. Therefore, the only and unjust reason remains, as I believe, for forbidding the marriage.

[*Latin ed. p. 137*]

CAMERINEN. 137. Indeed, the father of the girl harbored hatred towards Vincent and his kind. Furthermore, the daughter is to be considered free, so that even before her twenty-fifth year, she may marry undeservedly without the father's consent; lest the freedom of marriage be hindered, let her be given an opportunity for fornication (John. Lup. cited in Sánchez, book 4, disputation 23, no. 10). Now, supposing the undeservedness, which in this case would be difficult to prove, the father of Evangelina unjustly used force against his daughter; for after two years from the beginning of the accusation, he learned that Evangelina, having been strongly captivated by Vincent, had freely given herself to him, both in spirit and in body. The aforementioned woman herself confesses, before the marriage

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celebration with Venantius, that she had lost her virginity. "Then Venantius entered my body, and after about three or four minutes, he departed from me, satisfied, although somewhat troubled at not finding me a virgin." Himself, Venantius, before the first conjugal act, detected the same thing: "I noticed that the bride was defiled, having found the cervix of the uterus very dilated and the hymen broken." And when did this happen? Without a doubt, within the time that Evangelina left the Monastery and returned to the Monastery a second time. The father openly indicated this: "I learned that Evangelina, with complete indifference and without my knowledge, continued frequent relations with Vincent." "Vincent loved and treated my daughter, with the intention of marrying her by all means; and Evangelina responded to Vincent." A witness, Felicia, who was entrusted with the duty of watching over Evangelina, and of reporting her misdeeds to the father with charity and justice, without shame, said: "The relations of Evangelina with Vincent began in the year 1894 and lasted, with some interruptions, for about 2 years. The negotiations and relations of Evangelina with Vincent were secret": indeed, not for her own instruction, but for the concealment of matters concerning her parents. And thus, the same helpful witness adduced this miserable relationship with Vincent as the reason why Evangelina chose Venantius as her husband above others: "I..."

[*Latin ed. p. 138*]

138 FROM THE SACRED COUNCIL, I believe it is better to say that Venanzio, rather than Joseph, was the object of her affections, even for the reason that, after the dissemination of certain malicious rumors concerning the practices she had with Vincent, Joseph never again presented himself." Therefore, it was a grave fault on the part of the parents, and especially of this most beloved woman, Felicia, if this intimate custom of two years' duration had become so deeply ingrained; and therefore, to prevent the marriage by force or by fear is equivalent to depriving her of her freedom, and to giving an opportunity for fornication; which is certainly unjust. Furthermore, considering the character of the father and the daughter, the fear in this case was relatively more serious; for the father's character is described in the records as being, in general, strong and stubborn, and this is confirmed by the very history of this case; while the character of Evangelina is praised by almost all witnesses for her sweetness and docility. One thing is certain: it is unbecoming of her; namely, her firm will to marry Vincent, against the wishes of her father; and through this, she is said by the aforementioned Felicia to have become changed, to have become not good, not gentle, and disobedient. Certainly, Evangelina, not abandoning her nature, having been anticipated only by Vincent, defends the freedom of her inclinations, and bids farewell to all others, of whatever rank and condition, who seek her in marriage. What is surprising? Although adolescents are weak and vulnerable in their youth, they are nevertheless stronger than

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death through love alone, and they will not suffer themselves to be torn away from that love by anyone. An example is provided by Evangelina herself, who never abandoned her first desire for Vincent, nor attempted to extinguish it, but rather diligently fostered it, and steadfastly preserved it. Although Felicia says the same as her son, that Evangelina voluntarily chose and proposed to enter the monastery at Pollenzo; although this same thing is testified to by the venerable sister Z., as having been received by Felicia herself; nevertheless, this is contrary to Evangelina's testimony, and to her shrewd and opportune intention: "I found myself in the monastery, sent there by my father, as a safe place, in order to forget my affection for Vincent, and to distance myself from the practices with him." Indeed, a clever provision! Sister Mary T., questioned by the judge, whether "The Lady Evangelina, during the time..."

[*Latin ed. p. 139*]

CAMERINEN. 139. "Did Venanzio still harbor love and affection for Mr. Vincent?" R. "It seems that the affections towards Mr. Vincent continued in Evangelina, and he, in turn, secretly continued to correspond with her." Similar inquiries were made by Adelaide: "I believe that Evangelina... continued to have affection and sympathy for Mr. Vincent," and she argued that her belief was true by recounting a certain incident; namely, that Evangelina, while outside the monastery for a brief period of recreation in the rural area, accidentally saw a photographic image of Vincent; and immediately she paled and was visibly moved; that is to say, "she changed color and paled... it became clear to me that she felt faint upon seeing the portrait of Mr. Vincent." What more can be said about the continued affection between Evangelina and Vincent, when even Evangelina's father and Felicia, to their shame, recognize it? "Regarding the relationships of Vincent with my daughter," who had already entered into matrimonial negotiations with Venanzio, "I strongly doubt and am convinced that the affections still persisted." Indeed, he does not doubt, and the more he tries to force his daughter's inclinations and will, the more convinced he becomes. Nor does the fact that Evangelina happily returned to the monastery present an obstacle; for, firstly, she was escaping from harshness and reprimands; secondly, because Vincent also had to leave his homeland at almost the same time for military service; and thirdly, because, having control over her own will, she could lead a safe and peaceful life among the venerable Sisters, until the time came to make a decision. Perhaps Evangelina's father understood all of this when he said: "Furthermore, I add that Vincent, shortly after I took my daughter to the monastery, left for Naples to do his year of service." And during that time, Evangelina "continued to have all her affection for Vincent, and I learned from my father's housekeeper that he had, in fact, come to Poilenza twice to see and speak with me." This

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declaration was made by the well-informed Felicia, in secret.

[*Latin ed. p. 140*]

140. From the records of the Council, this appears to be an inappropriate statement, but it seems to be true. The Very Reverend Father adds the following to his deposition in the supplementary documents: "I have another fact to relate in this matter, and it is this: during the time that Evangelina was in the Monastery here in Pollenza, a certain Vincent, with whom she is now civilly united, came to Pollenza seeking a way to communicate with Evangelina, asserting to a friend that he had sworn eternal fidelity to her, and that they would absolutely marry, despite the opposition of her father and the constant objections that were made to them." It is clear that Evangelina's affections were never directed towards Vincent, and she was led to a civil marriage with him. Let us hear Venantius himself: "We went to Camerino and remained in my house in Camerino for about six or seven days. During this time, I learned, and I confirmed, that Evangelina continued to have affections for Vincent." What more can be said? Therefore, Evangelina internally maintained her own unwavering will, even though externally she was subjected to pressure from her father. As Sánchez says, "What someone does not love easily, they despise." I believe it is superfluous to present other reasons and conjectures that remain in the process and supplementary documents, and it is abundantly clear that in this case, a serious and unjust fear was unjustly imposed from the outside, with the intention of preventing Evangelina's marriage to Vincent. But there is also direct evidence of unjust coercion in obtaining her consent to the marriage with Venantius. This is sufficiently demonstrated by the statements of the Theologians and Canonists, based on the facts, circumstances, and evidence, without any reasonable doubt; nevertheless, it is better to be abundant than deficient. Furthermore, Mary Z. testifies: "I believed and I still believe that the marriage of Evangelina with Venantius was a purely superficial decision, and certainly not a genuine one." For those words, "purely superficial," are consistent with those of Evangelina's father: "It was a resolution made with repugnance, against her nature, against her will." Which is the same thing, externally and internally.

[*Latin ed. p. 141*]

CAMERINEN. Act 141, not truthfully and internally. To the aforementioned Felicia, who in this cause is most knowledgeable about all things and about certain other matters, it appears that the marriage of Venantius from the side of Evangelina is inexplicable, or rather, a certain mystery. "I believe that Evangelina did not enter into the marriage with Venantius with true affection and love, and I cannot explain the reason why she was induced to do so." Wretched woman! What you do not know how to interpret, is precisely that which you know and intend internally, and which

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is equally attributable to your father and to yourself; that is to say, as you said, the absolute will of Evangelina's father to exclude the marriage with Vincent: "unless she had married Vincent, for which marriage the Lord Giovanni was most opposed." Hence, also, a violence was directly inflicted upon the will of Evangelina in order to extort the marriage with Venantius. And indeed, the supplementary acts provide valid proofs that support the statements already made by the Consultors in this regard. This deposition is corroborated by the deposition of Joseph C, which is found in the first supplementary acts. This C., endowed with a copious pen and a tenacious memory, recounts everything that the father did to Evangelina in detail. Regarding this very valid testimony, the Archbishop of Camerinen, according to the mandate of the Sacred Congregation, writes in a letter dated May 23rd of the current year: "Concerning Joseph C, I do not doubt that he is a Catholic, that he frequents the church and the sacraments, that he is an example of utmost honesty and good morals in his homeland, that he is affluent in wealth, and that he does not give rise to any doubt concerning his veracity." ...However, the aforementioned witness concludes with the third question: "My impression has always been the same, namely that this marriage took place not spontaneously, not freely, but solely under the impulse of strong and grave violence, and therefore I have considered, and I positively consider that this marriage is absolutely null." And he knows this, because he speaks the truth; for from this firm certainty, after Evangelina had fled from the marital and paternal home, he persuaded John, the father, to finally cease the violence.

[*Latin ed. p. 142*]

142 EX S. C. CONCILII eumque ad maiora mala et scandala evitanda consensum emittere pro matrimonio civili cum Vincentio consuluit, certa fide negotium infaustum componendi quamprimum coram Ecclesia. Laudabiliter consultum! Etenim sic stante Evangelinae et Vincentii consuetudine publicum fornicationis scandalum augebatur, nec ulla aderat spes verum ac liberum instaurandi consensum cum Venantio, ideoque vir prudens C. non suasit malum, sed bonum, scilicet electionem mali minoris, quod et quandoque ex propria opinione et ex canonistae consultu eliminari posse credebat per legitimum iudicium. Quod non imrnerito et ipsa Evangelina indicare voluit contra ligamen, seu contra individuam vitae consuetudinum, quando externe tantum emisit consensum, cum deposuerit: « Alla domanda dell'incaricato predetto Sacerdote a benedire il mio matrimonio risposi affermativamente, sebbene internamente aveva tutt altra volontà, nè avvertii punto al legame che io andava a contrarre e pensai che avrei pot ut) in seguito esser libera egualmente per sposarmi con Vincenzo ». Atqui consensus matrimonialis est actus voluntatis vere assentientis alteri parti circa ius in corpus, in ordine ad prolem, perpetuum,, exclusivum, et sacrum. Ergo. Verumtamen in supradicto Iosephi C.

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testimonio quoddam factum invenitur assertum quoad substantiam veritatis, ast non precise quoad locum et tempus. Actrix ipsa factum affirmat et purificat respondendo huic iudicis quaesito : « D. Ricorda tra i fatti truci usatile dal suo padre quello di averle un dì messe le mani nel collo e di averla talmente stretta e contorta che ebbe a risentirne lungo tempo ? » R. « Ricordo questo fatto e ricordo essere questo accaduto in mia casa prima che per la seconda volta tornassi in monastero a Pollenza ». Et ita fuisse annuit memoria Sor. Adelaidis G. « Ricordo che nella seconda volta in cui venne in Monastero (Evangelina), si trovava alquanto gonfia e contorta al collo ». Hinc fama istiusmodi inlatae saevitiae inter et extra claustra invaluit indeterminate quoad ,

142. From the Sacred Congregation, in order to avoid greater evils and scandals, he consulted about obtaining a civil marriage with Vincent, certain that this would be the first step in arranging a disastrous affair before the Church. A praiseworthy consultation! For, given the relationship between Evangelina and Vincent, the public scandal of fornication was increasing, and there was no hope of establishing a true and valid agreement with Venantio; therefore, the prudent C. did not suggest evil, but good, namely, the choice of the lesser evil, which he believed could sometimes be eliminated, either through his own judgment or through the counsel of a canonist. This is not undeservedly indicated by Evangelina herself against the bond, or against the individual custom of life, when she issued a consent externally, saying: "To the question of the aforementioned priest, who asked me to bless my marriage, I answered affirmatively, although internally I had quite a different will, nor did I perceive the bond that I was about to enter into, and I thought that I would later be equally free to marry Vincent." However, a marriage agreement is a true act of the will of one party, truly consenting to the other party regarding the right to the body, in order to procreate children, a perpetual, exclusive, and sacred bond. Therefore. Nevertheless, in the aforementioned testimony of Joseph C., a certain fact is found asserted regarding the substance of truth, but not precisely regarding the place and time. The actress herself affirms the fact and clarifies her response to this judge's question: "Do you remember among the cruel acts committed by your father, that one day he put his hands around your neck and squeezed and twisted you so much that you suffered from it for a long time?" R. "I remember this fact, and I remember that this happened in my house before I returned to the monastery in Naila for the second time." And so, the memory of Sister Adelaide G. confirmed: "I remember that when Evangelina came to the monastery for the second time, she was somewhat swollen and twisted around the neck." Thus, the fame of this kind of cruelty spread both within and outside the cloister,

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indeterminate as to ,

[*Latin ed. p. 143*]

At the time of the 145th day, Reverend Matildes G. learned that the father was using violence... and I also heard that he had strongly grasped Evangelina by the neck, but she, being very prudent, never confided in me about it. And as Reverend C. previously stated, therefore, the testimony of Joseph O. is substantially true, indeed, and even Evangelina, in her third appearance before the judge, declared under oath that she was truthful in everything; when asked "if what had been asserted by these individuals was true," she replied that it was all true. Furthermore, it may be conceded that the father did not write to his daughter "that he would kill himself if she did not agree to marry Venanzio." Or that, in the presence of the Most Reverend M. Angelica T., he said "that if she did not marry Venanzio, he would commit extravagances." But no one can believe that the very astute Felicia was the author of such accusations, although she does not seem ashamed to appear very forgetful of what she heard: and she only remembers what she herself related. "I only remember, and I can assert this conscientiously and with all certainty, that I told the Reverend Mother Director (and not exactly, but the Most Reverend) and perhaps also to Evangelina, that Mr. Giovanni was so disgusted by Evangelina's relationship with Vincenzo, that if she persisted in the idea of absolutely marrying him, he would prefer to kill his daughter and then kill himself, rather than allow such a union." Is this not to extort a marriage with Venanzio? The witness Felicia omits the name of Venantio in her testimony, while elsewhere, Sister Director G. reports in the records: "I have often heard in this Community, and particularly from the Mother Vicar, that the domestic servant Nice uttered these words, namely that Mr. Giovanni would be driven to kill himself because of his daughter's rejection of Venanzio, and I have also heard that Nice said that it would be better to sacrifice Evangelina, the daughter, than her father." Nothing of all this was directly told to me." Directly, to Reverend Abbess, as is stated in the records and cited in the Canonist's opinion.

[*Latin ed. p. 144*]

144 FROM THE DECREES OF THE COUNCIL. Therefore, there is no discrepancy between the testimony of Joseph C. and the testimonies given by the witnesses in the previous process. These witnesses, when questioned by the judge, whether they heard directly from the mouth of John, or whether they read the aforementioned threats in his letters, unequivocally respond: "I did not understand nor did I read any of this." Or, "I do not recall anything in this regard." However, they affirm and confirm that the same threats were related by the highly educated Felicia, and that they were of great importance. It is opportune here to say: when the servant speaks, the master has spoken. Furthermore, did not the

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father approach his daughter, who was lying in bed, not entirely of sound health, and within the room, alone, and there reproach her with many harsh words and grave accusations? Could he not also have repeatedly threatened to kill himself or to kill her, as is alleged to have been said by him before many people? Undoubtedly, the tears, complaints, and fears, of which the witnesses testify having seen and heard after the father's arrival and conversation, do not allow one to lightly dismiss the gravity of the threats intended to extort marriage with Venantio. And what does Evangelina say under repeated oath: "In such a circumstance, I was not struck or subjected to any external acts by him, but he made many and strong reproaches to me, he made threats that were very unpleasant to me, and all of this with the intention of inducing me to promise him to marry Venanzio. After my father left my room, Sister Maria Angelica, Abbess of the community, entered; and as soon as I saw her, I burst into a great weeping and earnestly requested her never to leave me alone again." Oh, that the letters between the father and daughter, between these individuals and Venantio and Vincent, had not been burned, torn apart, or lost! Nevertheless, from the testimonies in the records, something certain can be ascertained regarding the truth. And indeed, the actress, in her supplementary testimony, stated that she had received several threatening letters from her father, in which he urged her to marry Venantio, and she affirms that she always responded against her father's wishes, and that only once did she yield in a more gentle manner.

[*Latin ed. p. 145*]

CAMERINO. 145, in these words: "with flattering terms." But this time, not with her own ingenuity, nor her own style, but rather according to a model prepared by the Directress. If I am not mistaken, Evangelina is not lying; for the witness, the Directress, questioned on this matter, says: "Once, I wrote a draft for her father regarding the request made by Mr. Venanzio: a letter that I wrote at the request of Evangelina, the general content of which was, in my opinion, suitable for a true daughter, fearing God, respectful towards her father, and imbued with sentiments of true upbringing. Regarding the actual existence of this draft, I do not remember it very well... I only repeat that I do not remember whether I wrote the draft for the letter written to her father or not." I am astonished that the Venerable Sister Directress categorically states: "Once, I wrote a draft, etc.," and then doubts whether she actually wrote it. The unfortunate memory of the witness, Reverend Mother M. Amata, comes to mind, who, when asked: "Have you ever had the opportunity to read or see writings by Evangelina?" replied: "I remember that when Evangelina left to go and marry, she gave me some objects; and she asked me to collect all her things. On this occasion, I was able to read one or two letters, but I remember very well one addressed to her father." When asked whether she knew if the letter was written by

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Evangelina, or by another person, she replied: "It seems to me, indeed, I am certain that it was a draft written by the Directress, Mother Adelaide." And in this model letter, she read the same thing that the aforementioned Mother Directress generally reports, and it is almost in agreement with the deposition of Leopold T. Therefore, Evangelina once sent a letter to her father in a more flattering manner, but under the influence of another; and therefore, she testified to the judge: "I only confirm that I transcribed the content of the letter, but it was not sincere feelings of my heart, nor resolutions of my true will." How can one marvel that a Religious would write such a letter, when in a deposition made in a previous process, she swore: "I believed that Evangelina was being induced to marry..." (Acta, Tom. XXXV, fase. CDXI, 10).

[*Latin ed. p. 146*]

146. Contra la volontà di Venanzio, e unicamente adoperandosi per soddisfare i desideri e le volontà del padre... Ho sempre ritenuto che fosse stato un matrimonio infelice, poiché celebrato senza affetto e per costrizione." E osservò che, quando Evangelina usciva dal monastero per andare al matrimonio con Venanzio: "Era angosciata e afflitta, e mostrava di preferire la morte al matrimonio." Non mi stupisco, se consideriamo l'ufficio della Reverendissima Direttrice; poiché essa, incaricata di istruire le giovani con la pietà, le lettere e la modestia, come anche il Parroco e il Confessore, dovette prudentemente consigliare alle figlie della famiglia, affinché seguissero l'esempio dei genitori. E cosa c'è di strano? Forse la Religiosa Direttrice fu indotta e dissuasa a scrivere una tale lettera (un'epistola) dalla madre, Felicia? Questa, avendo visto vano il suo sforzo nel persuadere Evangelina a sposare Venanzio, disse: "Vedendo tale riluttanza, prima di partire, parlai con le Monache, e specialmente con la Signora Direttrice, raccomandandole di cercare di parlare a riguardo con Evangelina, e di persuaderla ad allontanarsi da Vincenzo, e a sposare Venanzio... Raccomandai alle monache di dare una risposta decisiva al padre." È molto probabile che la Direttrice abbia seguito la oratrice, per la sua casa, Felicia, poiché, dopo aver affermato che, in primo luogo, aveva ricevuto da parte dell'Abate e della sua Vicaria forti incoraggiamenti a resistere all'ingiusto e irragionevole proposito del padre, aggiunge: "La Maestra era tutta propensa e favorevole a consigliarmi di sposare Venanzio, incaricata dal mio padre di persuadermi a sposare Venanzio. Tutto io lo sapevo molto bene, e per i discorsi che il padre faceva con la Maestra e per le continue corrispondenze epistolari che intercorrevano." E in verità, il padre confessò: "A questo proposito, scrissi anche una lunga lettera alla Reverendissima Suor Maria Adelaide, esprimendole tutto il mio interno:... e concludeva dicendo di cercare un modo per persuadere mia figlia, affinché si lasciasse persuadere a sposare

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Venanzio."

[*Latin ed. p. 147*]

CAMERINO. 147. And this is further confirmed. The *Evangelina* wrote only one letter to *Venantius*, and this very letter, according to the account without doubt provided by the Directress, who explains in the second supplementary documents: "What I remember with precision is that, having been asked by *Evangelina* and having heard the opinion of the ordinary confessor of the monastery, already deceased, Father *Alfonso*, I drafted the initial letter at the request of Mr. *Venantius*. I no longer have this draft, but I remember that the letter was very short; in particular, I only remember that the petitioner, *Venantius*, had consulted with and was in agreement with the father of *Evangelina*." Therefore, the testimony of *Evangelina* in the second supplementary documents is consistent. "I remember very well that the two letters that I sent to my father, *Giovanni*, regarding the negotiations and the request made to me by *Venantius*, were both drafted by the Lady *Adelaide*, the Directress of the Institute in *Pollenza*." Nor should there be any doubt about the prudence and knowledge of the Penitent, whose counsel *Evangelina* requested in order to deliberate, and who, being more discerning, could not have been more astute in responding, as the witness reports: "He replied that, if I had been able to, I should not have entered into this marriage, but that, if I had not been able to persuade my father, I should not have displeased him." Therefore, what the witness, *Maria G.*, says she heard is completely denied by *Evangelina* herself. Indeed, *Maria G.* states: "I now say for my own part that *Evangelina* was very indifferent in her dealings with her fiancé... I add that, having been questioned on this matter by the Reverend Mother Abbess, due to the doubts of Lady *Luigia M.* as to whether she was or was not content to marry *Venantius*, *Evangelina* replied that she had consulted with the Confessor, that at present she only loved *Venantius*, and that she swore this before God." This response, as it is clear, was a direct answer to the question of the Mother Superior. How, therefore, could this Superior have affirmed: "Mr. *Venantius* questioned me about this matter, and I replied that he had no desire to unite himself with her?" This is not true.

[*Latin ed. p. 148*]

148. From the records of the Council, a question was put to the Abbess, who stated: "Regarding the visits that Mr. Venanzio made to Evangelina in this Monastery, I can with complete certainty assert that he was never well received, and I clearly remember that Evangelina said these very words to me: 'I do not want to, but I fear being forced to sacrifice myself, because my father wants me to marry him.'" Perhaps these last words were misunderstood or misinterpreted by the common woman, Venanzio's nurse, and, along with others, she is a witness in this discussion, acting as a procurer.

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Furthermore, the Abbess adds: "Evangelina confided openly with me, and she told me that she was not at all happy to be united with Venanzio." Therefore, in the initial depositions, the witness Maria categorically contradicts this testimony and provides an explanation: "Certainly, I said nothing about all of this, nor could I have said it, because I spoke with the confessor much later, and on the occasion of my general confession, which I completed that very morning, after receiving Holy Communion, I left to enter into marriage." Therefore, the testimony of Maria does not hinder the case of Evangelina, since there are many other proofs and conjectures, by which the lack of true and internal consent is fully and adequately demonstrated. Finally, such consent must be present in marriage, as required by canon law; namely, true and mutual, expressed verbally or by some external sign, and entirely free and without any grave fear unjustly caused by an external cause that prevents free consent to the marriage. In this case, the option that the father granted to Evangelina, to choose any spouse of equal condition, but expressly and specifically excluding Vincentio, is contrary to the most fundamental freedom required when entering into marriage: "because that freedom is not complete, but relative, which is wholly insufficient for the validity of marriage; for every consent extorted in any way is relatively free, since rather, the will chooses that marriage, rather than suffer the threatened evil." Sánchez, book IV, chapter 12, paragraph 20, number 20. And this is clearly the case in the present situation, and this is evident to everyone.

[*Latin ed. p. 149*]

CAMERINEN. The 14th day. It is widely known, and can be immediately found in the records, that... On the one hand, obstinate irrationality and injustice hold sway, while on the other, an unyielding and firm will to preserve the freedom of choice is present. Certainly, this does not favor a free and true marriage: "For, (says Sánchez, book IV, discourse VII, paragraph 7), on the one hand, the importunity of any request may so strongly urge, nay, vex and oppress, and on the other hand, the due reverence for the person making the request may render one timid and fearful, and not daring to contradict, so that, rightly and justly, both reasons combined compel one to be prudent and steadfast, and will extort consent from oneself." I know of no doctrine that could be more suited to this present case than this. For, as soon as the priest learned that Evangelina desired Vincent in regard to marriage, he employed threats, cruelties, importunate prayers, and terrors, irrationally and continuously, so that he made his only daughter, and a daughter orphaned of her mother, openly timid, and not daring to contradict him with words. This is the reason why some simulations, mental restrictions, or ambiguities occur in the records: indeed, this, and no other, is the cause of great falsehood before God in the Church. Indeed, the question is not merely whether Evangelina gave verbal consent in the present case;

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but rather, whether the words spoken correspond to the will, which is the internal faculty. Lying is speech contrary to the mind, and lying does not cease to be so, even if the speech contrary to the mind is spoken in clear and explicit words. Therefore, it can always be supposed that Evangelina lied, even though Father Hilary and Helen M. believe that they heard her give her consent in clear and explicit words before the parish priest. However, it is pleasing to see Hilary, the aforementioned witness, responding to the judge: "I knew that the groom was happy, cheerful, and content to have married Evangelina, but she always remained cold, taciturn, and very sad." Does this accord with that which they immediately and directly heard?

[*Latin ed. p. 150*]

150 FROM THE HOLY GENERAL COUNCIL: One must attend not to the sound of the words, but to the mind of the speaker, considering what precedes and accompanies them, lest there be danger of rash judgment; therefore, the other witnesses most eloquently testify that Evangelina was lying, based on the manner of speaking and the evident circumstances. I do not think it necessary to recount them individually again, lest I repeat in a longer discourse what I have explained more clearly in the preceding section. Nevertheless, it is confirmed from the subsequent testimonies that Evangelina did not proceed to the wedding as if she were a bride, but rather as if she were a widow. Sister M. Mathilde testifies that: "The day before the wedding, the father arrived with his servant to take Evangelina with him, and when Evangelina learned of her father's arrival, she was overcome with great distress, and we had to exert ourselves greatly to calm her. When questioned as to why she was weeping and so distressed, she replied: 'I am unhappy because I no longer have my poor mother.'" Sister M. Amata also recounts the lamentations and tears of Evangelina, due to her mental anguish: "It was precisely in the days leading up to her wedding with Venanzio that I noticed she was very agitated and troubled, and shortly thereafter she burst into tears, telling me that she wanted and needed to confide everything in me, but she could not do so, fearing that she would one day compromise me." And approximately two days before the wedding, while the same witness was preparing breads and sweet pastries for the wedding celebration, she affixed the initials of the bride and groom to them and showed them to Evangelina, namely: "I was precisely tracing the initials of the bride and groom in the dough. At that time, Evangelina was present, and when she saw her own name intertwined with that of the groom, she burst into tears, and uttered an expression that I do not recall." Truly, these are not the sweet tears of a joyful heart, but rather the bitter signs of sorrow. Therefore, it is fitting to conclude, with the Reverend Father M., that the marriage in this case was concluded and celebrated

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"with the fullness of power," and therefore...

[*Latin ed. p. 151*]

CAMERINEN. 151, together with the aforementioned parish priest: "I have considered and I consider that the marriage is invalid within the internal forum." Furthermore, Venantius, exceedingly laboring under profound ignorance, defiled the woman, not a virgin, for it is certain that some suspicion would have arisen concerning him, if he had at least paid some attention to the intimate relationship between Evangelina and Vincent, which was widely known. Rather, Evangelina, who had not revealed the loss of her bodily integrity, if she had been troubled by Venantius, would have fled him more quickly, as she did afterward, after the fact; for pleasure always draws each one to itself. This one thing is true: after the second denial of his request, Venantius impudently examined the body of Evangelina with his hands and eyes, and judged that she was not yet a virgin; and yet, contrary to the consent and inclination of Evangelina, Venantius completed the conjugal act through force. Therefore, he would have been more lenient, if Evangelina had loved him even a little, and if she had not shown signs of continued aversion towards him. From what I have stated, Evangelina's aversion after the marriage is so evident that no further proofs are needed to support this aspect. Therefore, a more thorough and cumulative investigation cannot be instituted by the Sacred Congregation, and I believe that all the evidence is now sufficient to render a most prudent judgment. The dignity and sanctity of the great sacrament must be guarded, not only in the act itself, but also in its consummation, according to the most provident intention of the Church. In this way, the judgment concerning this infamous marriage, valid among the inhabitants of whatever condition in Camerino, Seppi, Pollenzo, and Nozeroy, is maintained, so that it is considered and declared invalid without any doubt. The voice of the people is the voice of God, and therefore, after carefully considering the initial acts, the supplementary evidence, and the objections weighed by the most learned and experienced Defenders of the bond, I judge, with a more willing spirit and greater conviction than in my first opinion: that the marriage can most safely be declared null and void due to the lack of full freedom.

[*Latin ed. p. 152*]

152 From the unanimous agreement of the Most Holy and True Council, concerning the matter from the woman's perspective; and consequently, the judgment of the Ordinary of Camerino must be confirmed. Having considered these matters, the following question was proposed for consideration: Whether the judgment of the Archdiocesan Tribunal of Camerino should be confirmed or rejected in this case. RESOLUTION. After discussion by the Council on August 16, 1902, it was decided to respond: The judgment must be confirmed. WROTSLAVIA. REGARDING THE SATIS-

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FACTION OF OBLIGATIONS OF MISSES. September 6, 1902. Through summary petitions. His Eminence Cardinal Kopp, Prince-Bishop of Wrotslavia, humbly states: "On September 23, 1895, the Most Holy Council of Ministers responded to a question posed by the Most Reverend Archbishop of Cologne: - Whether, when masses founded are transmitted to the Archdiocesan Tribunal, in addition to the stipends for the masses, portions assigned from the revenues of the foundations should also be transmitted for the benefit of the fabric of the church, for the ministers of the church, for the sacristans, for the organists, etc., who are in some way cooperating in the celebration or reading of the masses, or rather, whether these portions should be retained for them." The response was: "The portion legitimately assigned to the fabric of the church can remain with it." "Then, on October 1, 1895, the Most Reverend Bishop of Hildesheim requested that a portion also be retained for the altar servers and other ministers. The Most Holy Council of Ministers responded on January 21, 1896: - That, for masses read, a portion of the revenues can be retained in favor of the ministers and those serving the church, which is in the initial endowment or by some other legitimate means." COMPENDIUM OF THE MATTER.

[*Latin ed. p. 153*]

WROCLAW. 153. To these [foundations], the following was assigned, independently of any special work performed for the fulfillment of the legate's intention. "Furthermore, the Most Holy Congregation, with paternal benevolence, granted on August 8, 1896, that the same decree could also be applied to the foundations of the Archdiocese of Cologne, since the same reasons were valid there. Moreover, the same reasons apply to the foundations of the Diocese of Wroclaw, and in addition, it should be noted that portions of the income from endowed Masses, both those said and sung, and especially those pertaining to sacristans and organists, are usually (if not always) considered as part of the salary due to these individuals. Thus, if a parish priest is prevented from paying the endowments in his own parish, he would have to remit to the Curia Episcopal the entire stipend, that is, all the revenues of the respective endowment, and would be forced to retain the portions assigned to the sacristans, organists, and other individuals, thereby suffering a loss of his own." "Therefore, I humbly dare to request that: Parish priests who are prevented from paying endowed Masses, both those said and sung, in their own parish, should only be required to remit to the Curial Episcopal that portion of the revenues which corresponds to what is due to them as those who are paying the endowment, and that they may retain the portions assigned to the churches, as well as to the sacristans, organists, other individuals who cooperate in some way, and to the poor." In response to these letters, the Most Holy Congregation, under date of March 24, 1902, stated: "It appears that the decree granted on September 23, 1895, to the Archbishop of Cologne, and on October 1 of the same year

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to the Bishop of Hildesheim, cannot be extended to the point of allowing a stipend to be deducted from the revenues of the foundations for work that is not even performed. It must be maintained that, in the case presented, the stipend must be paid by the parish priests, who perhaps do not even celebrate the endowed Masses, because they have more abundant alms." The Bishop replied: "Furthermore, I have stated in the aforementioned petition that the same reasons were presented by the Reverend Fathers of Hildesheim."

[*Latin ed. p. 154*]

154 From the decrees of the Most Holy Council held at Coloniensi and Hildesiensi, which apply to their respective dioceses, it is understood that they apply in the same manner to the diocese of Wratislaviensi. I beg the Most Reverend Fathers to permit me to repeat these points: "1° Those who, with pious zeal, established endowments and assigned certain revenues to the churches, intended, with a most certain generosity, to provide for their own churches, and not for those of others. Hence, this portion appears to belong, as it were, to the fabric [of the church] by right. "2° The benefactors of the churches also sought, through their endowments, to contribute to the support of the ministers, so that the revenues thereof would provide a portion that is due to them, which it does not seem just to withhold. 3° I have stated that these portions, which belong to both the fabric and the ministers of the churches, are noted by the Royal Government as being part of the revenues of the church, or as being part of the salary due to these persons, so that the parish priest is compelled, by civil law, to restore these portions, either to the fabric or to the ministers, if he is obliged to transfer all the revenues of the endowments, which he is unable to pay. And this is indeed just, with regard to those parish priests about whom the Most Holy Congregation presumed, in letters dated March 24th of the current year, "that perhaps they do not celebrate the Masses of the endowments, because they have more abundant alms from other sources." Indeed, no one is ignorant that it is not permissible to act in this way, and those who act thus will incur penalties. But what about those parish priests who must pay 300, 400, 500, and even more sacred endowments each year? What about those who must provide for the spiritual needs of their living parishioners, so that they do not lack the means to pay for all the endowed Masses? And I believe that it can be presumed that the intention of the Most Holy Congregation is that the parish priest should first provide for the spiritual needs of his living parishioners, namely, first to pay for manual labor for the pregnant, for the sick, for the dying, for those recently deceased, etc., and then for the endowed Masses. And if this is the case, must the parish priest suffer a detriment, because he fulfills the duties of charity, if not of justice, towards his living parishioners, since he cannot simultaneously pay

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for the Masses?"

[*Latin ed. p. 155*]

WROCLAW, August 15, 155. Should the expenses of endowed masses be paid, and furthermore, should the portions of the church's revenues belonging to the ministers be compensated from the endowments themselves?

"4° Finally, lest I seem to overlook something, 'it cannot be deducted from the revenues of endowments a stipend for work that is performed to a minimal degree.' The church, or the church building, performs the same work whether the endowed mass is celebrated or a customary mass; that is, it provides the vestments, wine, host, candles, and other necessities for the Mass; the organist plays the organ, whether the endowed mass is celebrated or a customary mass; the sacristan dresses the priest and prepares the necessities; the altar boys serve at the Mass, whether it is an endowed mass or a customary mass, since they are obligated daily to perform their customary duties. Hence, it is clear that the fruits of the endowments should be considered not only as a remuneration for the service rendered in the endowed masses, but also as an improvement to the salary, and furthermore, that the transmission of endowed masses should neither diminish nor increase the work, except only for the parish priest who celebrates. But if those who receive the endowment, always excepting the parish priest or the priest who celebrates, lack the title by which they may receive a reward, and it is not the case that those who transmit, if they again exclude the parish priest who is obligated to celebrate the masses, deprive themselves of the fruits that are due to them."

"I have considered these matters again and submitted them to the examination of the Most Holy Congregation of the Council, and I dare to ask again, with all due reverence and obedience:

1° 'For the gracious remission of what has passed, so that the parish priests may have acted differently up to this point without a grant from the Holy See;

2° that in the future, parish priests who are prevented from celebrating endowed masses, whether sung or recited, themselves, should only transmit that portion of the revenues to the Episcopal Curia which belongs to them as if they were celebrating the endowed masses; and that they may retain the portions assigned to the churches, to the organists, to the sacristans, to other persons who cooperate in some way, and to the poor, for the same purposes.'"

[*Latin ed. p. 156*]

156 FROM THE DECREES OF THE COUNCIL OF TRENT: A Synopsis Regarding Offerings for Masses. The following observations, as is customary, seem pertinent to me concerning the offerings of bishops. Indeed, it is

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evident that, whatever the intended use of a stipend may be, any diversion of it to another purpose necessarily involves a change in the intention of the giver; just as a change is present when the Mass is celebrated in a place not designated by the offerer. To prevent the faithful from being alienated from pious offerings made to the Church, due to frequent alterations of the wills of the deceased, the canons solemnly decreed that pious foundations or the last wills of the dying must be religiously observed; Canon, Dist. 13, q. 2; Clement., "Quia contingit 2 de relig. domib."; Caput. "Si haeredes et Tua nobis, de Testam." However, because the avarice of men has led to countless abuses of the offerings for Masses, the most holy Church has, at various times, enacted laws and decrees to remedy this situation; these are diligently recorded by Benedict XIV, *Institutiones Eccl.*, 56; *De Synod. Dioeces*, book 5, chapter 9; *De Sacr. Miss.*, book 3, chapter 21. Furthermore, the Council of Trent, Session 22, Decree concerning the observance and order in the celebration of Mass, decreed, "Cum multa." To this Council's decree were added the famous declarations or decrees of the Sacred Congregation concerning the celebration of Masses, issued by Urban VIII on June 21, 1625, by a Constitution beginning with the words: "Cum saepe contingat," and subsequently, other resolutions were issued by Innocent XII, on December 10, 1697, by a Constitution beginning with the words: "Nuper innovata et confirmata"; and the Encyclical Letter of Benedict XIV, beginning with the words: "Quanta Cura," on June 30, 1741; and recently, among others that I omit, a decree was issued by the Sacred Congregation on May 25, 1893, worded as follows: "With vigilant effort to remove and eradicate abuses pertaining to the celebration of Masses... To restrain the licentiousness of certain individuals who, through ephemerides, books, and other means, were more easily able to exchange offerings for Masses with the clergy... Among other things, the following questions were proposed:"

[*Latin ed. p. 157*]

WRATISLAVIA. 157 « III. Such collections and distributions of alms, as mentioned above, are to be approved and enforced by the Bishops, provided that the profit derived from the exchange of goods for alms is not collected for the benefit of those collecting it, but is spent for the use or advancement of pious institutions and good works; « IV. Is it permissible for Bishops, without special permission from the Holy See, to deduct something from the alms of the Mass, which the faithful are accustomed to give to more celebrated sanctuaries, in order to provide for their adornment and embellishment, especially when these sanctuaries lack their own revenues? In a special meeting in the year 1874, the Sacred Congregation resolved: To III. Affirmative. To IV. Negative, unless with the consent of the donors. « But since it has been observed in recent years that such arrangements, neglected through ignorance or malice, have been beneficial... The Most Reverend Fathers of the Sacred Congregation deemed it necessary, in two

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general meetings of their office, to again restore for full observance throughout all places what had long ago been decreed. « Furthermore, the same Most Reverend Fathers, adhering to the dispositions of the Roman Pontiffs, and especially of Urban VIII and Innocent XII in the Constitution *Cum saepe*, and under a strict command of obedience, decree and order that in the future, all and each beneficiaries and administrators of pious causes, or those in any way obligated to fulfill the obligations of Masses, whether clerical or lay, at the end of each year, deliver to their proper Ordinaries the remaining obligations of Masses, and those for which they have not yet fulfilled them, according to the manner defined by them. « Finally, revoking all indulgences and privileges hitherto granted, which in any way contradict the provisions of the present decree, the Sacred Congregation entrusts to the care of each Ordinary that the present decree be diligently made known to all ecclesiastical persons...» A Circular Letter of the Sacred Congregation, dated August 28, 1897, addressed to the Ordinaries of Italy, again emphasizes the strict observance of the aforementioned decree, as well as the decrees of Urban VIII and Innocent XII.

[*Latin ed. p. 158*]

158 (From the Decrees of the Council of Trent, concerning the Innocents) already cited. Although the testimonies cited may seem to pertain to manual offerings, nevertheless, due to the identity of reason, they must also be referred to the pious foundations of Masses. Having these principles established, when a Bishop appeals to the Pontiff, it must be determined whether the reasons exist to admit his petition. Such reasons do not appear, especially in the matter in which it is a question of absolution concerning the past and dispensation concerning the future, because the manner of acting seems contrary to the constitutions cited, and therefore cannot be tolerated. Indeed, the Rectors of churches and priests subject to them not only have the right to celebrate Masses in their respective churches, but above all, specifically the Rectors, have a strict obligation to celebrate them themselves or to ensure that they are celebrated by others, and this condition is presumed to have been accepted from the beginning. Masses founded are not ordered to supplement the deficiency of votive Masses, but rather these latter can be accepted to supplement the deficiency of the former; so that if the Rectors of churches cannot fulfill their obligations with these, whether by themselves or by others, they are not permitted to accept them, unless under the condition of transferring them to others with the full salary received. In this matter, Clara is cited from the Constitution Innocent. XII, where it is read: ''Manual and daily offerings for the celebration of Masses may only be accepted if those previously imposed burdens have been fulfilled in such a way that they can also undertake new burdens; otherwise, they must completely abstain from receiving such offerings in the future, even those offered spontaneously.'' And this seems to be in

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accordance with the intention of the founders, both because in establishing these pious legacies, they did not intend, implicitly or explicitly, to assign any portion of the fruits of the church's endowment, except through the application of Masses in the same, and both because, always according to the aforementioned, he who is first in time is prior in right. Therefore, when a portion of the revenues of a church is assigned for the celebration of Masses, it is considered as accessory to the principal, if Masses founded for a just cause...

[*Latin ed. p. 159*]

In Wratislavia, the fifteenth of September, certain matters are brought before us. Besides the stipends for Masses (which is the principal matter), a portion of the fruits of the endowment must also be transferred to the fabric of the Church or to its ministers, which is an accessory. For a contract to do is valid, unless the contrary is proven. However, in matters concerning the good faith of those who make supplications, it should be noted that their good faith will contribute to them obtaining a remission of past obligations, as the Sacred Congregation of Indulgences generally grants, if pious works have not been completed through fault, and if there remains nothing to be completed. Regarding dispensations concerning the future, it should be noted that the Council of Trent, Session 23, chapter 6, concerning reforms; the Sacred Congregation in Turin, March 1, 1877, and in Lucania, December 14, 1893, teach that generally sufficient reasons for granting a change of will are necessity or evident benefit to the Church, especially if the change of will is temporary. It is not uncommon for pious legacies or Masses to be reduced or suspended, when consideration must be given to the repair of the church or the needs of the benefice and other beneficiaries, as stated by the Sacred Congregation in Viterbo, March 2, 1765 and 1874; in Leodien, May 18, 1776; in Syracusana, February 8, 1773, and elsewhere. For the benefit of the Church, Amostazus, in *De causis piis*, book 1, chapter 14, paragraph 1, rightly points out that the obligations for Masses should not only be reduced, but even suppressed. Indeed, because these legacies for Masses, besides the purpose of suffrage, have the nature of alms and support for the needs of the Church and its ministers. Therefore, when the case involves only a certain portion being withdrawn, even though Masses are not celebrated there, as has been done up to now, for the support of the divine cult, the ministers, the poor of the place, and other spiritual needs, because the parish priest is unable to provide for them, it seems that there is a just reason for the Episcopal petition to be granted. Finally, it would seem unjust to reduce the obligations of Masses without the consent of the parish priest, contrary to the practice previously observed, which must be followed as the best interpretation of the founder's will. (Lotter, *De re

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benef.*)

[*Latin ed. p. 160*]

160 From the Decrees of the Holy General Council, I, 7, question 11, number 125; from the Decisions of the Rota, 62, number 3, part 10. To impose a new obligation to pay the aforementioned portion, due to the inability to celebrate Masses, whether on festive days on which they ought to be offered for the people entrusted to them, or at the funerals of the poor, or at other solemnities which, otherwise, might perhaps not be celebrated, or for another reasonable cause, not arising from a desire for a more ample stipend, as is evident, but rather from a scarcity of priests, and from one's own office. Therefore, if the founders had foreseen this, they would have otherwise disposed of their property, as Reiffenstuel states in De testam., number 804, and as the Sacred Congregation [Consilium] decided in Sutri, on September 10, 1803. Hence, a valid reason arises from the presumed will of the founder for granting the requested dispensation. After these considerations, it was deemed necessary for the Most Reverend Fathers to deliberate whether the place [in question] is subject to a dispensation or any other provision. RESOLUTION. The Sacred Congregation of Religious, after examining the matter on September 6, 1902, decided to respond: with prior absolution regarding the past, for the requested facility, and according to the intention. FROM THE REGULATIONS OF THE HOLY CONGREGATION: The election of a new Superior is a binding law for every Monastery of any Religious Order, every three years. Most Reverend Father, the Archbishop of Compostela requests the Holy See to explain: In his archdiocese, there exist various convents of nuns, in which the nuns elect an Abbess or Prioress every third year, and even in the Constitutions of the Recollects of Saint Augustine, of which there are three monasteries, the matter is so.

[*Latin ed. p. 161*]

From the Decrees of the Holy See, of Bishops and Regular Canons, number 161, it is written that a Prior should not be elected for more than ten years. In the Constitutions of certain of these Congregations, it is read for some: "The Superior should not be elected for life;" for others, "either it is prohibited, or the matter is silent concerning a new election of the Superior." Since the aforementioned Constitution demands it, on January 1, 1583, Pope Gregory XIII ordered that the office of Prior should not last beyond three years, and that, once that period is completed, he has no authority in the monastery. On this matter, the Holy Congregation of Bishops and Regular Canons has responded on several occasions. An Orator presents the following doubts: I. Is it the case that the aforementioned Constitution and resolutions are valid for the entire Church and are to be observed? II. If the answer to the first question is negative, can the Superiors of those

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Congregations be elected again, whose Constitutions are either silent on this matter or permit a new election of the Superior? III. In either case, it is asked: for monasteries in which a new election of the Superior is expressly permitted, is the confirmation of the election sufficient by the authority of the Ordinary, or must recourse be had to the Holy See? And God, etc. The Sacred Congregation of the Most Eminent and Most Reverend Cardinals, entrusted with the affairs and consultations of Bishops and Regular Canons, having considered the aforementioned doubts, has decided to respond as follows: To I: Affirmative. To II: As stated in the first. To III: To the extent that the Constitutions are silent, or expressly state that another Abbess or Superior should be elected after three years, the selection of the same person for the office of Abbess or Superior requires the confirmation of the Holy See; to the extent, however, that the Constitutions approved by the Holy See after the aforementioned Constitution of Gregory XIII, permit such a re-election, the tenor of the aforementioned Constitutions must be followed. Rome, May 4, 1901. *[Signature illegible]* CARD. GOTTI, Prefect. A. PANICI, Secretary. *[Reference to Acta, Volume XXXV, page CDXI]*

[*Latin ed. p. 162*]

162 FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: A DOUBT. — Is it ever permissible to extract, before its time, a fetus from the womb of the mother, using an extrauterine device? Most Reverend Lord, Reverend Father Charles Lecoq, Dean of the Faculty of Theology in this Marianopolitan University, proposed the following doubt in writing on March 12th of the year 1900, concerning the interpretation of the resolutions of the Sacred Office regarding the licitness of the surgical termination of an immature fetus: "Is it ever permissible to extract from the mother a fetus, still immature, not yet having completed the sixth month after conception?" It was my duty to transmit this doubt to the Supreme Tribunal of the Sacred Office. Then, the Eminences, the Most Reverend Cardinals, Inquisitors General, in a congregation held on the 4th day of the month of March, after mature deliberation on the matter, issued the following response: "No, according to Decree No. IV, of May 4, 1898, the life of the fetus and of the mother must, as far as possible, be seriously considered; moreover, according to the same Decree, the Orator should remember that no acceleration of childbirth is permissible, unless it is accomplished in such a manner and with such means as are ordinarily compatible with the well-being of both the mother and the fetus. — The present decree shall be issued by the Ordinary." These are the things which, with all due respect, I have communicated to Your Eminence, concerning this matter, in fulfillment of my duty; and I pray that God may preserve you for a long time. March 20, 1902. Your Eminence's most devoted servant, M. Cardinal Ledochowski, Prefect. Aloysius Vecchia,

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Secretary.

[*Latin ed. p. 163*]

163 FROM THE SACRED CONGREGATION FOR INDULGENCES. A general decree concerning the stations of the Way of the Cross.

Most Blessed Father, Brother Peter from Arce, General Procurator of the Order of the Minor Friars, with a prior kiss of the Holy Foot, humbly explains that in the year 1894, on the 7th of April, the Sacred Congregation for Indulgences benignly remedied all defects found everywhere in the places concerning the erection of the Way of the Cross with its stations. However, notwithstanding the published manner of erecting the Way of the Cross, not everything was observed which was required for the validity of the erection, lest the faithful, without their fault, be deprived of the Indulgences attached to the pious exercise. The humble petitioner humbly requests from Your Holiness that all Ways of the Cross erected on the 7th of April, 1894, and hitherto located in places with whatever defects, may be benignly declared valid. And God, etc.

The Sacred Congregation for Indulgences and Sacred Relics, making use of the faculties specially granted to it by the Most Holy Pope Leo XIII, benignly granted the requested remedy, notwithstanding any objections. Given in Rome, from the Secretariat of the same Sacred Congregation, on the 27th of May, 1902.

S. CARD. CRETONI, Prefect.

F. SOGARO, Archbishop of Amiden, Secretary.

[*Latin ed. p. 164*]

164 FROM THE HOLY CONGREGATION OF RITES IN VALENTINA. Concerning the Beatification and Canonization of the Venerable Servant of God, Mary Michael of the Most Holy Sacrament, foundress of the Congregation of the Handmaids of the Most Holy Sacrament and of Charity. That unspeakable spectacle of piety and charity which the Savior of mankind, Christ Jesus, exhibited on earth, most pleasing to God the Father and most salutary to men, the Bride of Christ, the Church, through its virtues and merits, continues to pursue until the end of the ages, and, in these most recent calamitous times, with provident counsel, has chosen, through selected souls and sodalities dedicated to the perfection of the Gospel. In this way, that ornament and jewel of Spain, Mary Michael of the Most Holy Sacrament, and her institution, the Handmaids of the Most Holy Sacrament and of Charity, shine forth. Born in the most noble house of Demaisières, formerly vicounts of Jorbalán, this Servant of God was brought into the world in Madrid, on January 1st, in the year 1809. Even in her childhood, having been snatched from the midst of the best society, she devoted all her care to adorning the temples of God and assisting the poor, at her own expense, and even selling precious jewels. She poured her spirit into

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the associations to which she was devoted. She herself founded the confraternity of the Most Holy Trinity in Madrid, which still flourishes today. Contemptuous of the vanities of the world and its adornments, she refused conspicuous offers of marriage, and, with the counsel of her confessor, proposed to herself to preserve the integrity of her virginity. While she resided in Paris and Brussels with a Father who was there serving in the Spanish legation, she never deviated from the path of virtue. She sought to render God propitious through prayers, bodily mortifications, and the contemplation of the divine cult, and she offered help and solace to the poor and the sick, achieving the works of outstanding women. Upon returning to Spain, she was immediately enrolled in a group of noble women who diligently devoted themselves to the instruction of Christian doctrine in Madrid; and, at their request, and with the permission of the Bishops, she opened new schools for girls, especially for those devoted to service, there and elsewhere. She gave the name "Bethlemitic" to the society dedicated to caring for the sick in their homes. A girl, cast out from her father's home due to corrupt customs, was...

[*Latin ed. p. 165*]

From the Sacred Rituals, number 165: John was found to be ailing, and she restored him to health, both in body and soul. From this arose a sodality dedicated to the Blessed Virgin, composed of women of noble birth, with the aim of rescuing young girls who were going astray, leading them back to a virtuous life, and placing them in honest families as servants. The first house was established with seven girls; subsequently, new and larger houses were founded, accommodating up to fourteen students. As is the nature of human affairs, this institution soon began to be afflicted by adversities; however, with God's favor, the causes of discord were gradually removed, and peace was restored. Meanwhile, supported by her counsel and the authority of her conscience, Michaela conceived of and established a sodality of handmaids of the Most Holy Sacrament and of Charity; and with the cooperation of the Venerable Anthony Claret, and under royal auspices, it was actually established and recognized by law and public authority, to her great joy. This institution, which had its origins in Madrid, soon, with God's help, spread to other cities, so that more than twelve houses were founded by Michaela herself, with nearly six hundred girls, of whom many, with the passage of time, attained the highest degrees of virtue. The sodality, already established and adorned with many privileges, was further enriched when it received a solemn diploma of pontifical praise and approval, as if gold were being added to it. Immediately, when a terrible plague broke out in Valencia, and the Handmaid of God, who had decided to undertake a journey to Rome in obedience to the Apostolic See, was seized by urgent charity, she, without delay, and with the offering of her own life, went to that city. The following day, after praying to the Mother

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of God and being strengthened by the sacraments of the Church, she went to the Archbishop, offering herself for all kinds of charitable works in the midst of such great calamities. She immediately took charge of caring for five sisters in a monastery who were afflicted by the pestilential disease. And shortly afterward, she herself contracted the plague from the sick, and, rejoicing in this sacrifice of her own life, she received the last sacraments with the Apostolic blessing and made her religious vows. The Reverend Father Vinader, of the Society of Jesus, an outstandingly pious man, was present, as were the sisters of the Congregation who were to succeed her in the sodality. The institution in Toledo was entrusted to the Archbishop and placed under the protection of the Blessed Virgin Mary of Carmel. Finally, as the disease worsened, and in the embrace of her brothers and sisters, while reciting the words of the Holy Scriptures,

[*Latin ed. p. 166*]

166 FROM the Sacred Congregation of Rites: "Maria Minvocaba!, in Karlova, breathed her last very peacefully, almost at midnight, on August 24, 1865. The venerable Servant of God, whose sanctity was manifest both in her life and after her death by numerous signs, opened a clear path for the Most Reverend Archbishop Valentino to institute an Ordinary Process concerning her reputation. Exhaustive inquiries were made in other dioceses. After all these matters were presented to the Sacred Congregation of Rites, with the urgent intervention of the Most Reverend Beniamino Miñana, Rector of the College of Spain in Rome, and promoter of this cause, together with the entire community of the Handmaids of the Most Holy Sacrament and Charity, and after considering the petitions of certain Eminences of the Sacred College of Cardinals, of numerous Most Reverend Prelates, and of other men of ecclesiastical or civil standing, as well as of colleges and societies of both sexes, and after a thorough review of the writings of the aforementioned Servant of God, the Eminence and Most Reverend Cardinal Lucidus M. Parocchi, Bishop of Porto and Santa Rufina, and Relator in the Ordinary Congregation of the Sacred Rites, proposed the following question for discussion, which was held on the designated day at the Vatican: "Should a Commission for the Introduction of the Cause be appointed, as is customary in such cases?" And the Eminences and Most Reverend Fathers presiding over the Sacred Rites, after hearing the report of the Cardinal who presented the matter, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Office, and after a careful examination of all the documents, decided: "Affirmatively, that is, a Commission should be appointed, if it pleases the Most Holy Father." On August 12, 1902. Subsequently, a report on these matters was made to our Most Holy Father Leo XIII by the undersigned Cardinal Prefect of the Sacred Congregation of Rites, and His Holiness, having approved the

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decree of the Sacred Congregation, personally signed the appointment of the Commission for the Introduction of the Cause of the aforementioned Venerable Servant of God, Maria Michaela, of the Most Holy Sacrament, on the nineteenth day of the same month and year.

D. CARD. FERRATA, Prefect of the Sacred Congregation of Rites.

L. * S. f

D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 167*]

FROM THE SACRED RITUALS, 167, Aquensis, or the Order of Preachers, the cult of confirmation has been diligently performed from time immemorial for the Servant of God, Andrew Abellon, a priest of that Order, now blessed. Andrew Abellon, a priest of Gallic origin from the Order of Preachers, of venerable memory, who is now illuminated with new light by the authority of the Apostolic See, in these times, besides confounding the wise and the powerful, offers no small consolation and encouragement to the Servants of God who are in distress, whom the world hates, and who are not of the world. And it is to be hoped that the sentiment of piety and veneration, especially in Gallia, towards that most holy woman to whom many sins were forgiven because she loved much, Mary Magdalene, will increase. For more than thirty years, Andrew kept vigil at the tomb of that very saint, the penitent, in the convent of Saint Maximin, formerly in the diocese of Aquensis, now of Forum Iulii, a most faithful custodian, an evangelizer, and the glorious Magdalene is praised, according to the divine Savior's prophecy: "Amen I say to you, wheresoever this gospel shall be preached in the whole world, that also which she hath done shall be told for a memory of her." He was born in the town of Saint Maximin, from honorable parents, around the year 1375, obedient to the divine grace which called him to religion, and in the year 1403 he was already a priest, having entered the Order of Saint Dominic. Among the notable merits of his life were his tireless work in the propagation of the Catholic religion, his ardent study in restoring regular observance, and his constant work in the preaching of the Gospel. He not only preached, but, being skilled in the art of painting, he delighted in raising the minds of the faithful to heavenly things through faithful depictions. The offices he held in the Order, as a lector and master in sacred theology, as prior and vicar general in several monasteries of the Province, highly commended him, both among his brothers and especially among the highest superiors of his Order, Bartholomew Texier, who celebrated his sanctity. As prior of the royal monastery of Saint Maximin, whether in the very temple of Saint Maximin or in the cells under the name of Saint Balmaece, he worked with all care and diligence to foster and spread devotion and veneration among the faithful for Saint Mary Magdalene. In the year 1450, in Aquensis, while

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a public calamity was raging, he was appointed by the consuls...

[*Latin ed. p. 168*]

168. Having been summoned by the Sacred Congregation to console the afflicted citizens and to establish the feast of Saint Andrew, while diligently laboring for many months in preaching the Word of God, the blessed man, consumed by apostolic labors, was struck by a grave illness on the first of May; and, as the illness progressed, on the fifteenth day of that month, which was a Saturday, he peacefully departed this life. God, who disposes of the places where the bodies of the Saints are to be laid, had wisely arranged that the sacred body of Saint Andrew should be placed in the church of Saint Mary Magdalene, and that it should remain in that noble city, near the very place where a large part of the Gospel was honorably proclaimed, its tomb adorned with an image of him engraved on the stone, along with the following epitaph: "Here lies the body of the Blessed Andrew Abelonne, of the Order of the Sacred Preachers, who shone with great miracles and died in the year of Our Lord 1450." Meanwhile, the sanctity of the man of God and the devotion of the faithful towards him were evident from the large number of citizens who flocked to his funeral, and then to his tomb. There, an altar was also erected, lamps were lit, votive tablets were placed, and offerings were made, as if to obtain benefits, which, as was said, were granted by the intercession of Andrew. These popular and devout manifestations at the tomb, although they had been interrupted at the end of the 18th century by that most notorious and violent upheaval of all things in France, when the Dominican family was expelled, the faithful were persecuted, the church of Saint Mary Magdalene was violated, and the impious cult of the goddess Reason was established, were nevertheless not entirely extinguished; and it is clear from the example of the epitaph mentioned above, which was inscribed in the year 1703, under the care of Father Robert, one of the pillars of the Church. Moreover, although, after the restoration of public order, the tomb of Abelonne was concealed from view by a new pavement laid over the old one, despite the complaints of those who wished to show their devotion, and despite the efforts of Father Berage, who had lived in that monastery before the Gallican upheaval; nevertheless, from the year 1845, the tomb of the Servant of God Andrew was restored to its former splendor and devotion, and it was even enhanced with honors, especially since the Brothers of the Order of Preachers, after the restoration of France, had recovered their convent near the church of Saint Maximin, under the leadership of the most illustrious Father Henry Lacordaire. After the first actions concerning this matter were brought before the Sacred Congregation of Rites, and after expenses were incurred, in the year 1859, Cardinal Gaude, the Relator, reported that, although the possession of the aforementioned cult had not been sufficiently established

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after the year 1789, with the passage of time...

[*Latin ed. p. 169*]

In order that this deficiency might be remedied, an Apostolic Process was instituted by a Decree from the Sacred Congregation of Rites, dated May 15, 1896, obtained by the Postulator, Father Vincent Ligiez. An Ordinary Process was completed in Rome. In this process, many instructed and suitable witnesses were heard, and new documents were duly collected to aid in the corroboration of the evidence regarding the veneration, especially within and after the French disturbances, up to the present time. Since all things were in readiness, the Most Reverend Father Andrea Frühwirth, Master General of the Order, together with the present Cause Postulator, Reverend Father Mauro M. Kaiser, having considered the postulatory letters of certain Eminences of the Sacred College of Cardinals, and of numerous Most Reverend Prelates, and the Most Eminent and Reverend Cardinal Raphael Pier-otti, Relator of the same Cause, proposed the following question to be discussed in the Assemblies of the Ordinary Congregation of Sacred Rites, convened at the Vatican on the aforementioned date: "Does it appear that a public ecclesiastical cult has been exhibited from time immemorial to the aforementioned Servant of God, or has he been exempted from the decrees of Pope Urban VIII, in the case and to the effect of which we are speaking?" Furthermore, the Most Eminent and Reverend Fathers presiding over the Sacred Congregation for the Preservation of Rites, after the aforementioned Cardinal Relator had given his report, having heard the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Office, and having carefully considered all things, judged it necessary to respond: "Affirmatively, if it pleases the Most Holy [Father]." On August 12, 1902. Having related all of the above to the Most Holy Lord Pope Leo XIII, His Holiness accepted and ratified the Decree of the aforementioned Congregation, on the nineteenth day of the same month and year.

D. CARD. FERRATA, Prefect of the Sacred Congregation of Rites, S. R. C.

L. %

D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 170*]

170 FROM THE RITUALS OF VALENCIA. INFORMATION CONCERNING THE BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD, MARY MICHAEL, FOUNDRESS OF THE CONGREGATION OF THE HANDMAIDS OF THE MOST HOLY SACRAMENT AND OF CHARITY, REGARDING A DOUBT: Whether a Commission for the Introduction of the Cause should be appointed in this case and to what effect? It is most praiseworthy to be born in a noble place, to abound

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in wealth, and yet, having set aside the pleasures of life, to devote oneself to converting those who, in the order of all men, are the poorest, or who are utterly abhorrent to human and civil society, or who are afflicted by the most grievous and putrid diseases; indeed, such a person deserves the highest praise, which few men can bestow. But to be born of a most noble lineage; to hold a position among citizens; to possess the glory of ancestors, riches, authority, and all kinds of honors; and yet, yielding to nature, and reluctantly accepting the burdens of life and morals, to reject the highest condition of praise, and to choose, as it were, whatever is most humble among men, to embrace the most wretched of people, whom civil society rejects, and to cherish them, is the greatest praise of all, a celebration more angelic than human. For he who does such things seems to draw closer to the Word of God, who, through an unspeakable counsel of charity, having taken upon Himself human nature, humbled Himself so much to our condition that He not only took the form of a Servant (as the Apostle says), emptying Himself, but He confirmed that which is written in Isaiah: "He hath taken away the reproach of men, and the opprobrium of the tribes." Indeed, among those who, illuminated by the light of this divine example, have, in this our age, bravely followed the shame of the Cross, the illustrious Virgin Mary Michael, of the Spanish nation, deserves to be commended. For she, born of a most distinguished lineage, so despised the vanity of the world that she devoted herself to the salvation of her neighbors. And not only did she choose the poorest, but she went to the innermost circles of women, those whom the world rejects and despises, and, descending in maternal charity, she offered them a refuge, where they could either find safety in their peril, or rise again from their ruin through penance.

[*Latin ed. p. 171*]

From the *Ex Censura Rituum* (171), these [works] were purged and restored to civil and religious society. Truly a wondrous work of redemption, which, though requiring the efforts of many men, was brought to completion by one woman, Michael, amidst the insults and contempt of men, driven by the impulse of divine charity!

Synopsis of Life: Maria Michael was born on the first of January in the year 1809 in Madrid, which is a city of Spain, most celebrated of all. Her parents were Michael Florez and Bernarda López de Dicastillo Olme, who, among all orders, possessed the highest nobility of birth, and illuminated it with the splendor of the Christian religion. A fervent disposition shone forth in the girl from the very beginning, and she was exceedingly inclined towards piety: from which it was permissible to foresee the first signs of sanctity. She responded in a remarkable way to the care of her parents, and from a tender age, she was almost entirely devoted to charity, embracing the poor. But her own nature abhorred the company of wicked men. Yet,

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she overcame herself so much that the struggles of her own mind bent her so that she delighted in spending every day with them.

She covered those who were naked with clothes, which she made with the labor of her own hands. She relieved the hunger of those who were starving with food. She visited the sick, and she rejoiced to welcome them into her home. The sight of suffering so deeply penetrated her soul that she never looked at herself in a mirror.

Nor did she care for herself, avoiding almost all adornments with which girls born into a noble station, as is customary, are adorned. She also abstained entirely from pleasant gatherings, which were held at home, in the manner of the nobility, late into the night. She diligently attended divine services. And not only that: she often gathered her companions at home and encouraged them to piety. Thus, foreshadowing the future works of the Gospel, she already began to practice the ministry of charity.

She had not yet reached the age of adolescence when she was orphaned by the death of her most pious mother. However, her life and the principles she had adopted from that time never changed; and even when, striving for Christian perfection, she was exhausted, she always moderated her judgment with the counsel of her own conscience. She refused honorable marriage proposals, and she resolved to preserve the integrity of her virginity inviolate until death. She remained steadfast in the face of worldly temptations.

[*Latin ed. p. 172*]

172 From the Sacred Canons: "Let silence, prayer, and constant meditation on heavenly things exercise the mind, so that no thought may be allowed to separate itself from God." – At this time, a most grievous pain began to afflict her stomach. Therefore, she sent her sister, whom she loved very much, to Paris, so that a more favorable climate might be found. But the change of climate did not relieve her stomach pains, and it was soon clear that she must travel to Madrid, in order to dedicate herself to works of piety. It is difficult to express how much she was afflicted. She no longer considered her inherited wealth to be her own, but made the poor her companions. To help the poor, she founded a most excellent society of women, who visited the homes of the needy every day. She also founded another society, with the rule that its members should collect alms at the doors of the churches for the support of the poor. And in order to set an example, she often disguised herself as a poor woman, and spent long hours in the streets of Madrid, extending her hand to beg, so that she might support the poor! – Thus, when she spoke of the life of the angels, she inspired everyone with admiration and benevolence. But amidst all these acts of piety, there were also anxieties that greatly troubled the soul of the Servant of God. For it was always necessary to show deference to people of high rank; and those who live in society and frequent the courts of nobles and almost royal

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circles, demand a great deal of respect. The family from which Michael had sprung was second to none in Spain, both for its ancient splendor and for its distinguished life, worship, and the vastness of its possessions, which were fitting for such a noble family. Therefore, the customs of Spain were always closely associated with the royal family, and in the most solemn ceremonies of the royal court, she was not only invited, but held a position among the leading figures of the kingdom. – Hence, it often happened that it was necessary for the Servant of God to attend a ball or a theater with her relatives, and she could not avoid it without causing offense. Although she was reluctant, she sometimes had to yield to necessity; but she took great care to avoid all worldly distractions. Moreover, at those times, she spent her money with a singular moderation, guided by the dictates of her conscience, and she endured the most grievous torments of the body, while she was adorned with the most splendid garments; and the closer she was to God, the more intensely she felt the conflict.

[*Latin ed. p. 173*]

From the Sacred Ritual, 173. Meanwhile, a brother had been sent by the King of Galliae to conduct business with the Spanish legation, and he brought with him his sister, Michaela, to Paris, who, having resided there for five years, converted all orders with the splendor of her virtues. He had confessed to her, and she had established a more rigorous way of life, diligently watching lest the fervor of her spirit be quenched by worldly pleasures. Thus, translating the life of the Servant of God, she acquired the highest praise, especially for her prudence in composing disputes between her brother and his wife, which arose from differences in temperament, in a most remarkable manner. She endured much at Aspera, both from the proud nature of some, and from the calumnies of certain Catholic men, who, because she presided over the family affairs, were contaminated by depraved religious errors, not only did they pursue her with hatred, but they were astonished to see them fiercely calling for the hatred of others. Michaela could have avoided so many troubles, if she had simply returned to Madrid. However, the brother's charity and love for Christ prevailed; until, at last, when certain calumnies were discovered, the light of her outstanding virtue shone forth more brightly. But the glory she achieved, due to her great care and diligence in her duties, was such that it conquered the soul of everyone to piety. Moreover, she devoted herself to constant prayer, even at night, without rest. Every day she attended the holy sacrifices, renewing her spirit with this devotion, and thus, advancing more quickly in virtue. She spared nothing that was in her power to easily rid herself of worldly temptations, and she was accustomed to whipping herself and binding iron chains around her loins. Through these things, she deserved the grace and favor of God, so that, at one time, when the sacred solemnities for the coming of the Spirit of the Holy were being celebrated, she was

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inflamed with a new and unusual fervor. The impetus of this charity, which pervaded the woman's heart, was so great that, being unable to contain it within herself, it impelled Michaela to undertake the task of promoting the worship of the Christian name, and to embrace those who were in the most miserable condition with greater charity. Through the efforts of the Servant of God, a Sodality was established among women, from the most noble order of Paris, who would devote perpetual time to adoring the Most Holy Sacrament; and it is difficult to say how much the influence of heavenly gifts has entered into the Christian republic. The house of God was being renovated in the highest degree, and for this reason, not only were the temples, which were in need, furnished with sacred furnishings.

[*Latin ed. p. 174*]

174. She took care of the sick, and also provided funds for the construction of her own small hospital. She devoted every moment of the day to works of charity, and responded to every call for help. She frequently visited the public hospitals; she also sought out the poor in their homes, and provided them with every kind of assistance. Once, she found a woman lying in the street, almost entirely burned, from whose body arose a foul odor that would have repelled even the strongest stomach. Nevertheless, she overcame her natural aversion, and nursed the woman, Michaela, for a long time, until she recovered. This was a clear sign that her actions were pleasing to God, as the woman recovered, astonishing the doctor who had previously declared her beyond help. There are many other examples of the extraordinary charity that characterized her life.

A long time ago, she found an old woman lying on a bed, weakened by old age and illness, in a small, dark, and foul-smelling room. The woman herself was patient, but completely destitute. When the Servant of God learned of this, she immediately went to her, and with such care and attention, she nursed her that the woman soon regained her health.

In addition to these examples, there is a remarkable instance of her humility. Once, when Michaela was wearing clothes that befitting her noble status, and was walking along the city's main streets, she encountered the same old woman, now covered in rags and trembling with cold. Without hesitation, she took the old woman in her arms and kissed her.

Moreover, she was always concerned for the salvation of others. Once, a soldier was lying in a public hospital, and no one had been able to bring him to repentance for his stubborn sins. Death was approaching. Michaela felt the bitterness of his situation keenly, and she could scarcely bear it. But, with the help of God, she undertook the task, and she persevered so successfully that the hardened soldier, softened by her gentle words and certain signs of repentance, finally closed his life with the sacraments of the Church.

Indeed, the high and magnificent virtues with which the Servant of God

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shone forth were so great, that they could not remain hidden, even though she concealed them with humility; they were like the rays of the sun, which, even when obscured by clouds, shine more brightly through the intervening darkness.

The most noble and distinguished people of Paris admired her greatly; among them, I mention King Louis Philip, who often spoke of the virtues and strength of the Servant of God in the most eloquent terms. But at that time, a terrible...

[*Latin ed. p. 175*]

From the Acts of the Saints, on the feast of Saint Michael, the time arrived when, after the rightful King had been driven from his throne in France, through the machinations of traitors, all things were turned upside down, and the citizens inflicted cruelty upon each other with iron. Amidst these dangers, the Handmaid of God, with her daily prayer and devotion, did not falter. Therefore, to the astonishment of her enemies, and despite their attempts to obstruct her, she did not hesitate each day to provide ammunition for the ramparts, or to risk her life, so that she might be present at Mass and partake of the heavenly food. And God, in turn, rewarded her faith so that, in public affairs, two families of Protestants, previously contaminated, were converted to the Catholic religion through the charity of the Handmaid of God. After five years spent in Paris, divine Providence arranged for another example of Michael's virtue to shine elsewhere. Her brother, meanwhile, had been appointed to a position in Belgium, and had moved to Brussels. The Handmaid of God and those who followed her were also traveling there, when their journey was interrupted by the illness of one of their companions. Michaela turned towards Bologna and remained there for a time, providing all the necessary services of charity to the sick. But this brief sojourn was also an opportunity for the virtue of the Handmaid of God to be made manifest. In those regions, the opinion against Catholics was already deeply entrenched. There were only two churches where the sacred ceremonies were celebrated according to the Catholic rite; one of these was still under construction, lacking funds. This greatly grieved Michaela, who had always been most eager to promote the glory of God. Therefore, she sold a ring (a very valuable item) which she had kept as a pledge of her mother's love and religious devotion, and used the money to complete the church. Nor was this the only act of charity. In the very house where Michaela was staying, there was a young girl of excellent character, devoted to her service, but upon whom her mistress was very harsh, because she professed the Catholic faith. Moved by the misfortune of this girl, the Handmaid of God took her under her protection and, at her own expense, provided for her pious and proper upbringing. Thus, fortified by so many virtues, she arrived in Brussels, where she found a field that was exceedingly fertile, in which she expanded the work of

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charity and gathered many souls. And first among these, she sought out a man of moderation, endowed with great prudence and piety: a man whom she found to be most devout and wise in all matters. This man, it is said, was guided by divine...

[*Latin ed. p. 176*]

176 FROM the Sacred Ritual, it is known that she, having been entrusted with the care of a certain sum of money, dedicated all her thoughts to perfecting herself in this task. And so, that she might bring forth good fruit from this endeavor, it is known that, as long as the Servant of God lived in Brussels, she did not neglect prayer and bodily mortifications, but never ceased to be diligent, nor did she ever concern herself with the care of her own frail health, but only thought of the salvation of her neighbors. Inspired by divine charity, she provided assistance to the needy, overcoming obstacles, such as steep staircases or difficult paths, leaving everywhere an example of her charity. And although the principal care of the divine glory was hers, as she had been accustomed to do in Paris, she also diligently attended to the needs of the temples, seeking out the help of distinguished ladies to acquire sacred furnishings. Through her generous contributions, she fostered good morals among the people: she opened Christian schools and added the best teachers, who devoted all their care and talent to properly instructing the girls. — Among so many works of divine charity, it was particularly pleasing that, moved by a sense of devotion towards the most holy Sacrament of the Eucharist, she established a perpetual adoration sodality. She had arranged to spend the night in prayer before the Divine Host. For many nights, she kept vigil in prayer, and when those who were in charge of the legation returned home, the Servant of God, illuminated by a faint light, spent the hours of the night in prayer. They, seeing her, would jest, but nevertheless, they were moved, saying, "See, Michaela has already risen to recite the morning psalms." In the midst of these labors, her sister grew worse in health. Michaela herself was not yet fully recovered from her illness. — Since the mild climate of the south would be very beneficial for the recovery of both their health, she left Brussels and joined her sister on her journey. In the long journey she undertook, Michaela's way of life changed little outwardly, but her spirit remained the same. In every city she visited, she gave evidence of her piety. The journey, wherever she went, was blessed by the most blessed Virgin, so that her heart might walk with God and in God. The solitude of the nights and the pleasantness of the fields led her to relax her spirit and to raise herself up with the most fervent aspirations to God.

[*Latin ed. p. 177*]

From the Sacred Ritual, book 1, chapter 177. Since she sought nothing but the glory of God in all things, she collected sacred coins, images of the

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heavens cast in bronze, and other similar objects, by which the piety of the faithful might be stirred. Nor did she spare her kindness towards the poor, bestowing a great sum of money for their benefit. As she passed through the city, she visited churches and rejoiced in them, lamenting that she could not partake of the Holy Eucharist. And she received a great abundance of graces. Not long ago, for the sake of a brother, and for a sister who was suffering, she invoked the protection of Saint Francis de Paula, and, through the intercession of the Most Holy Eucharist, she was miraculously cured of a stomach ailment that had afflicted her for a long time. But the time was approaching when Micaela would return to Spain; for just as she had been a shining example of virtue there, so too she experienced the greatest benefits there. Already, she had foreseen the return of her reputation, and that she would be exposed to the envious voices of the ungodly. But Mother Carasa, who was the confessor of the Handmaids of God, knew of the countless dangers to which she, by reason of her nobility, was exposed. Therefore, she took care to enroll her first in the most noble group of women, which at that time flourished in Madrid, dedicated to the Christian instruction of young girls, and she presented her to the sisters. Invited, and with a humble spirit, she accepted the task and, to the surprise of many of her former rivals, she devoted herself to it with great zeal. But she quickly fulfilled the task entrusted to her with such charity that she inspired admiration in everyone, so that even those who had previously been her adversaries now, conversely, loved her with the greatest affection. She also devoted herself with great care to the sick. There was a woman among them, afflicted with leprosy, who remained alone, without any support. The Handmaid of God, who embraced all people with such fervent charity, even those whom others would shun or disdain, took particular notice of her, and, although she abhorred the sight of the disease, she offered her all her services. When, one day, the sick woman, with her trembling hands, reached out to her and embraced her with open arms, she contracted the disease herself. But she did not show sadness; on the contrary, she rejoiced, because, for the sake of charity, she had willingly exposed herself to even a manifest danger. In this way, she fulfilled the will of God, and, miraculously, she recovered from the illness, much to everyone's astonishment. Acts, Volume XXXV, page 460.

[*Latin ed. p. 178*]

178 From the Sacred Ritual, as others neglect, the zeal of Saint Michael had greatly stirred the hearts of young girls, who, being devoted to service, were not able to learn the precepts of Christians with sufficient ease. Therefore, she opened schools, which were held every Sunday, and devoted all her efforts to them. This proved to be very successful and fruitful for the souls; indeed, at the request of the Bishops, similar schools for servants were begun in several dioceses, inspired by Saint Michael. But the inex-

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haustible charity of the Handmaid of God could not be confined within the narrow limits of that association, but, starting from that association, it soon extended to smaller groups, and even to the most humble members of society. Hence, such an institution was established at a remarkably opportune time, whereby women or girls of ill repute, who were in danger of losing their virtue and chastity through sin, could cleanse themselves of all their faults. - These were the beginnings of this institution. The Handmaid of God was associated with the society of Our Lady of Bethlehem, dedicated to caring for the sick in hospitals. As part of her duties, she often visited the Hospital of Saint John of God, and was sometimes accompanied by a noble matron. - The innocent Virgin was still unaware of the evils that were afflicting the girls, who, without doubt, were squandering the greatest ornament of all things, namely, chastity. However, one day, while performing her works of mercy, she was struck by the sight of a sick girl in the hospital, who had been cast out from her paternal home due to her corrupt behavior, and she witnessed all the misfortunes that had befallen this woman. The Handmaid of God was astonished by this unheard-of calamity, and, weeping, restored the girl to a state of repentance for her misdeeds. But, being more mature, she conceived of an association, whereby lost girls who entered the hospital would be received into virtuous and well-managed homes for service. In this most holy work, the Handmaid of God used all her influence, and was assisted by the Reverend Father Carasa. A small, but suitable house was acquired. In honor of the suffering Virgin, and with seven crosses, the first seven girls were received into the house; and the Handmaid of God herself was present, watching over them, as a most tender mother. Although the resources were scarce, everything flourished, and it seemed that a home of peace and divine charity had been established there. And not long after, the zeal of this woman for the young girls in the association was evident.

[*Latin ed. p. 179*]

From the Sacred Rituals, number 179, it is known that, desiring to become more certain of the reasons for the institution, and in order to provide for its needs, she alienated even a most noble horse. For as long as the Handmaid of God was absent, the College could not, in all circumstances, enjoy a fortunate situation, especially since the instruction of the college had been entrusted to women who, although of the noblest character, were unequal to bearing such a burden, and because of this, some were withdrawing from their studies. Scarcely had Michaela returned to Marid, when suddenly the matrons, presenting the situation in which the students were languid and disheartened, and the institution was on the verge of dissolution due to lack of resources, sent messengers to her house. But Michaela did not allow this to discourage her spirit, nor did she abandon the administration of the College. Confident only in the help of God, she

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undertook every task with greater zeal, even when the improvement of the students seemed more hopeless. And so, the number of students increased to fourteen, and the house was enlarged accordingly; moreover, the Handmaid of God arranged and instructed everything so that the students lacked neither a chapel, nor furnishings, nor anything necessary for life. And as if to add to these successes, the Handmaid of God appointed nuns from the newer orders to the College, French women, whom she believed to be the most suitable for the guidance of young women. But the outcome disappointed her. For, as often happens in human affairs, even the most holy things, and the intentions of men, can be corrupted; the nuns began to act with envy towards the Handmaid of God, whispering to the students, inflaming their minds, and spreading malicious rumors about her arrogance. This caused great distress to Michaela. However, she bore this pain with a steadfast heart. The hatred increased when the Handmaid of God was absent from the house for a few days, and the students, accustomed to pious exercises, were left to their own devices! When Michaela returned to Marid, she found nothing of the former order in the institution. But she was astonished when she saw, before the gate, a group of people forcing their way in, despite being forbidden to do so. With her strength failing, and her voice choked in her throat, she knelt before the gate. Her eyes fell upon the image of the Blessed Virgin Mary, who was hanging on the opposite wall, in a state of sorrow. Inspired by that gaze, she prayed; and with that prayer, she received the strength to carry out this difficult task. Not wishing to act rashly or without counsel, she went to the Prelate of Toledo and to the Papal Nuncio. She deliberated with them for a long time; and with their authority, the matter was referred to civil power; and the demons were…

[*Latin ed. p. 180*]

180 FROM S. G.'s SELECTED RITUALS: The integral parts of justice ensured that no servant of God neglected her duty of charity. — Thus, she constantly bore the heavy burden incumbent upon her, fearlessly entered the turbulent house, and, with the majesty of her countenance, subdued the girls, already prepared for sedition; and then, having rejected the allurements of a more refined life, she transferred her stable dwelling there. Briefly, the house was purged with great prudence, and the girls who wished to follow the nuns to France were dismissed, so that everything seemed to be quiet. But, as God permitted, many things occurred to test the patience of His servant. Not a few, distinguished by nobility and virtue, who, judging the matter with human reason, openly declared that the institution, with no hope of better things, could not be maintained. And some accused Michael of rashness, for having undertaken a task that required greater strength (which Francis de Sales and Vincent de Paul, most holy men, had vainly attempted) in a certain way, among men. The hatred and sharp anger of women were inflamed, who, being separated

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from this work, rejoiced in using their insipid wit to stir up envy against the handmaid of God among the queen. Moreover, the ardent minds of these women were also inflamed by the idea that Michael had exceeded her authority. Furthermore, Curio, who had previously been a most zealous supporter of the College, not only abandoned all care, but at one time even came to the institution to remove the sacred Sacrament! Which was, in no small measure, due to divine assistance. But the handmaid of God, having placed all her reliance on human help, but relying greatly on the divine, persevered with firmness in all matters, so that, rather than being broken, she seemed to be more incited by difficulties. For a long time, she had considered entering a religious order. But now, more than ever, while praying, suddenly, by a lapse of divine grace, she felt compelled to begin this work, and at the same time, she heard a voice, as if from a greater human power: "Complete the work that you have undertaken, I command it." And no less astonishment was given to Michael herself, when she saw scales clinging to the ceiling, and through them, countless girls ascending and descending, while inside, nuns, dressed in white and black robes, were seen. Having interpreted what was shown to her, she immediately renounced all worldly things: she put on humble garments; she covered her head with a veil; she received the Sacrament.

[*Latin ed. p. 181*]

From the EX SCRITTIUM 181, the figure [of the Foundress] impressed upon [the students] the abundant charity of God and of men, which she embraced with a lofty and upright spirit, and made her companion in all her future life. Gradually, with God's protection, the College began to enjoy more favorable circumstances. Even those who had been offended, now, with changed hearts, descended to benevolence, or at least to admiration! The number of students increased so much that it was necessary to provide greater resources and to change the premises, so that they could accommodate the growing multitude. Following the authority of her, to whom she had opened her heart in all things, she began, unaware to herself, to perfect that foundation of a Society, which she had already long envisioned, under the name of Servants of God, of the Most Holy Sacrament, and of Charity. This Institute received a great addition of honor in a short time. The King and Queen themselves, although they had heard many things that were being spread against the reputation of the College, did not believe them, nor did they ever change their minds because of uncertain and wicked voices. And even in order to mock the Institute, and to prevent all future reproach from them, they often kept Michaela with them, privately granting them stipends, offering prayers, and allowing her to enter or leave the court at will; all of these things, with a certain meaning of love, they desired. For these things, she, because of her great humility, would gladly have refrained. However, she was compelled to yield, by the

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urging of Father Claret, who was the confessor of the Queen and whose reputation for sanctity was widely known. Indeed, Michaela was so pleasing to the Princes that often some things, which seemed more permissible in the court, were removed by her virtue. The royal favor confirmed the benevolence of the magistrates; thus, the Institute, with its royal rights asserted, was also recognized by public authority. The encouragement of the Archbishop of Toledo and the Papal Nuncios were added, all of which brought joy to the Society. With these things accomplished, the Handmaid of God, with a determined spirit, began to write the new laws of the College. However, the constitutions, which she had begun to prepare for the Sisters, were interrupted by a sudden illness. The city of Madrid felt, and even more distant regions felt, that the benefits of the Institute of the Handmaid of God were being brought to the Christian and civil community. Hence, many other things were aroused that responded to the laws of the Handmaid of God: hence, also, the fame of Michaela's sanctity was increased even more. In short, the Institute, having taken such deep and firm roots, began to -

[*Latin ed. p. 182*]

182. Furthermore, the number of houses of the Congregation of the Ladies of Charity, founded by Saint Vincent de Paul, would have reached one hundred and more, had not the course of her life been interrupted by death; indeed, six hundred were already established, receiving the poor and the needy; and among these, many were religious institutes, whose members, through the fervor of their virtue and the austerity of their lives, had made great progress. By a certain grace, or perhaps by chance, the Sodalitas had recently been enriched by privileges granted by the Supreme Pontiff. And the time was approaching when, at the request of the most eminent men, Pope Pius IX would solemnly approve the Congregation with a solemn diploma. Admiring the Providence of God, which had brought this about in accordance with her wishes, Saint Michaela was preparing to travel to Rome, so that, having prostrated herself before the tombs of the Apostles, she might express to the Pontiff the sentiments of her heart. But a most unexpected and grievous event occurred, which, through the overflowing charity of the Handmaid of God, was demonstrated in a final, albeit splendid, example; for a terrible plague, which they call the Asiatic disease, invaded the city of Valencia; and, with its devastating power, many of the inhabitants were struck down. The charity of the Handmaid of God was so inflamed that she did not hesitate to cast herself into the midst of the afflicted. From the gathering of the sick, she contracted the plague herself; but rejoicing that she had met her death in the service of charity, sustained by heavenly food, she passed away on the ninth day before the Kalends of September, in the year 1865. Just as all who have estimated her virtue agree that she was remarkable

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for as long as she lived, so, after her death, her fame did not diminish, but rather increased the devotion of the people. Indeed, she was made more powerful than on earth, and, as the Sodalitas grew stronger and more glorious day by day, her example was clearly demonstrated.

ON THE THEOLOGICAL VIRTUES AND FIRST: On heroic faith. The truly faithful soul is most clearly recognized in two things: one, in the firm adhesion of the mind, which encompasses all that the most holy Mother Church affirms to have been revealed by God; the other, in the fact that, as I have said, when one is so affected, one undertakes great deeds.

[*Latin ed. p. 183*]

From the Sacred Rituals, 183, and those things which are most necessary, by which interior faith is manifested and eternal salvation is attained. For faith without works is dead. It is certain that Michael possessed the full splendor and amplitude of these two things, if indeed he may rightly transfer that saying to himself: "Just as the evangelical faith, capable of transporting mountains from one place to another, manifestly demonstrated that it not only makes known the virtues through works, in which he constantly practiced, but also gave witness to them publicly through words." He constantly gave thanks to God that, illuminated by the light of faith, he had been received and nurtured in the bosom of the Catholic Church; and he spoke of this with true glory. "He considered it his greatest happiness to be a daughter of the Catholic Church, believing firmly and confessing what she believed and confessed." And since Christ himself established the Church as the supreme authority, Michael frequently said: "Even if there were no miracles, I would believe and embrace all the truths that the Church teaches." Finally, "he thought, judged, feared, loved, and acted according to the Faith." What more can be said? How powerfully that single Catholic woman defended her faith, regained her spirit after suffering, and how much she declared her faith, no one is ignorant. But let us not consider these ardent desires of the soul to be insignificant, nor a fickle and passionate temperament, which changes with the hours, but rather a brilliant testimony to the suffering and calumnies that she willingly endured in witness to her faith. If anyone marveled at her patience, she said: "I endured everything with patience for the sake of the faith of Jesus Christ." Indeed, the head of Christian virtue is a generous affection of the soul, enduring hardships and difficult things; of which a certain form is foreshadowed in the cross, which those who wish to follow Christ must necessarily bear. To strengthen her faith, Michael established many institutions among the *adversa*, and, amidst so much worldly laxity and disgust, she did not hesitate to follow a harsh path, to endure the follies of madmen. "Wearing the humble habit of an adorer and with wooden shoes, she presented herself in the royal palace, and she suffered with joy, to give testimony to the Gospel of Jesus Christ, the whispers, the sneers, and the offensive jests

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of the courtiers." With such a spirit, which she had prepared for suffering,

[*Latin ed. p. 184*]

184 FROM the sacred rites, and for the sake of maintaining the Christian faith, she always, when the opportunity presented itself, sought to join others. For she "encouraged and stirred up everyone to love the divine faith." She, who is also called the Patroness of Sodalities, never wished to give the image of Christ crucified (the singular emblem of her order) to anyone, unless she first knew that those same individuals were more eager to face imminent death than to learn about the faith of Christ, our Savior. Therefore, she often inquired whether the Saracens ever threatened to abandon the faith, and whether, when brought to the point of losing their lives, they would prefer to be killed rather than betray the image of Christ. And, having taken away the faith of others, she moved their hearts with powerful words, appealing to the examples of martyrs who could not be swayed by flattery, nor broken, nor weakened, but, despising the empty worship of idols, bravely died for Christ. But she, who emulated the faith of the martyrs, also possessed a courageous spirit in her youth, a quality characteristic of women. Even as a girl, she gathered her companions at home and taught them the elements of the faith, and informed them about the mysteries of the Christian law, far beyond what her age could bear. Having thus established a firm faith, whether she traveled among strangers or remained in Hispania, she devoted all her efforts to spreading the heavenly doctrine among the Christian people, so that as many as possible might better recognize and more reverently worship the divine name. Often, citizens found her in hospitals and public places, teaching young women the sign of the cross and protecting them, and she often shed tears if she encountered anyone who did not know this venerable sign. Then, seeing such fervent devotion, she was so moved that she even transferred her teaching to journeys, which, through the iron road, take up time that many people choose to dedicate to legitimate pleasures. "At the stops of the railway stations, as when she traveled in a carriage or diligence, she questioned and taught the Christian doctrine to the employees, conductors, and servants; she encouraged them to love God and to repent of their sins; she gave them medals, leaflets, and small books of piety, and they all listened with attention, heard with pleasure, and received with humility these small books of piety and the medals, and promised to do everything that she advised them." Thus, she gained great renown. When she first arrived in the city of Zamora, countless children...

[*Latin ed. p. 185*]

FROM THE RITES, 185: Having received many greetings from the lowest of the people, she was accustomed to being ordered to tear down altars, or even to overturn idols, until the Bishop entered his palace. But even with

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these things happening, nothing disturbed the integrity of her faith in her conversations, both private and public. With quite admirable perspicacity and a sweet arrangement of words, she spoke of heavenly things; and if, at times, circumstances required her to turn to another subject, she would immediately return to the original topic. From this, it is easily inferred how deeply she venerated the divine mysteries. Of these, the mystery of the Most Holy Trinity was particularly dear to her. She was accustomed to pour out daily prayers in its honor, often using the formula of the Trisagion; and she wished that this formula should be recited by each member of the Sodality every day. If any calamity threatened, she invoked the Most Holy Trinity, and implored that the impending misfortune be averted. Not only did she excite and foster a singular piety in the divine mysteries through frequent sermons, but also, having borrowed a work from distinguished women and men, she established a Sodality, which she dedicated to the honor of the Most Holy Trinity. This Sodality truly flourishes and thrives, and has been granted the name of Archisodality. With so much fervor for that mystery, which is almost the foundation of the entire Catholic religion, it was natural that she would readily embrace those mysteries that concern Christ. Therefore, she was particularly devoted to the name of Jesus. She did not merely invoke it often, as if savoring the greatest sweetness from it, but she also took care to celebrate the feast day of his honor with the greatest possible solemnity. Above all, she felt a deep sorrow for the sufferings of Jesus Christ; she was accustomed to contemplate them often, and she often spoke to the members of the Sodality about them, her face glowing, and she could not restrain her tears. In order that she might constantly keep before her eyes the price of redemption, and that the memory of the divine love might not fade from the minds of mortals, she endeavored to place many images of Christ crucified in various places. If she were about to perform the devotion called the Via Crucis, there was such a concentration of body and soul that one might say that she saw Christ present. Her voice was hoarse, tears flowed, and she was compelled to hand a small prayer book to the members of the Sodality, so that they might complete the pious exercise.

[*Latin ed. p. 186*]

136. *EXSCRITIUM*. Towards the Eucharistic Sacrament, the most fervent sentiments of religion were displayed; and, if I may say so, this Sacrament was the source of all his sweetest delights. For he had placed within it the love of his soul. How this immense faith manifested itself is difficult to express. He went and knelt, and remained there constantly: no worldly pursuit could ever distract him. The greatest devotion of his mind and body was directed towards the Tabernacle; the closer he was to Christ, the greater his joy and delight. Kneeling, he would remain motionless for long hours, even in the dead of night, seemingly transported beyond the senses,

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appearing as if he were an angel. "He remained there, as if rapt in ecstasy, immobile and in such profound contemplation that he seemed to be no longer in this world." If, indeed, he had forty hours of prayer, the very garments concealed the impetuous movements of his heart, which could not be contained within. Then, frequent and brief sentences, as if drawn from an arrow, would be uttered: "Alas, my Love! Oh! If only I could always remain as a victim before You!" He often prostrated himself at the feet of the priest for an entire week, and the soul, as if stained with blemishes, would diligently cleanse itself, and he would not tolerate being denied the heavenly bread daily. "He received Communion every day with the fervor of a Seraphim; and, even when suffering from headaches, he would rise to receive the Lord, and then return to bed." Nor did he ever abandon this custom, even on journeys. On feast days, which were dedicated to the veneration of the Most Holy Sacrament, he would precede them with long prayers. "On Holy Thursday (witnesses relate) and on the feast of the Sacred Heart of Jesus, he would be inflamed in an extraordinary manner: the color of his face would become so intensely red that it attracted our attention." And when the Body of Our Lord Jesus Christ was solemnly carried in procession, he would be so moved by the spectacle that he seemed to be transported, beyond himself, and to be beside himself with joy: "He seemed to be beside himself with delight and joy." Thus, as the flowers are filled with fragrance, so he was filled with devotion; he offered fragrant flowers, and his hands were full, as the Sacrament was carried about, and the air was filled with sweet-smelling incense. Moreover, he seized every opportunity to increase the devotion to the Most Holy Sacrament. He sold all that he possessed, and bought a silver chalice, which he presented to the people to be used for the adoration of the Holy Eucharist. It was a great sorrow to him if...

[*Latin ed. p. 187*]

FROM THE CUSTOMS 187, public devotions before the Holy Sacrifice were frequently celebrated in the temples of Aoste, lasting until the fourth hour. What is more? The founder established a custom that must be repeated, whereby the Holy Sacrifice was followed; he prescribed that the first act should always be adoration; he wished that the emblem of the Sodality be the image of the Sacrament; and he ordered that these same members, under another name, should be called "Handmaids of the Most Holy Sacrament." He had ensured that this sentiment was instilled in all members of any religious house: "May the Most Holy Sacrament be praised." He also established that the members should greet each other with these words. Furthermore, he never sent a letter without including a piece of paper bearing the image of the Sacrament. Finally, if anyone asks me about the devotion to the Divine Office, I will tell you what he said: "He adopted it so that it might constantly resound in her ears and serve as a stimulus to

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love Him more." From this arose the devotion with which he venerated the temples. Indeed, a remarkable thing is related about him. For, although the temples were modest and not overly ornate, he remembered that God was more present there, and therefore required greater veneration from the people; for this reason, he strove to imitate the angels in their adoration, even in their external demeanor. Many, struck by his admiration, exclaimed: "Let us be like the Seraphim!" "Only seeing her inspires respect and veneration." Moreover, with the same devotion with which he treated the temples of God, he also endeavored to encourage others. And so, he forbade the Sisters (unless there was a just reason) to sit in the temple, and he severely reprimanded even the slightest noise, so that the external behavior of both the Sisters and the students would be worthy of the dignity of the place. This rule was inexorable: he would scold them if they were even slightly late in coming to the temple. He often used examples to encourage the nuns to venerate the temples, and he did not hesitate to rebuke them if, for some necessary reason, they were delayed. From these precepts, which the Sisters so deeply impressed upon their minds, it can be inferred that the temples of the Sodality were maintained with the utmost care. He also took great care of the domestic chapel, so that it might appear to shine like a jewel. Before the altar, he placed a perpetual lamp, always burning, made of silver and shaped like a heart, which served as a sign of the living faith that never sleeps. Nothing, however precious, was considered unworthy.

[*Latin ed. p. 188*]

188 FROM the Sacred Rites, he never thought of sparing anything to adorn the chapel. "He wanted everything that would come into contact with the Divine Majesty, such as the tabernacle, the pyx, the chalices, and the corporals, to be the richest, most delicate, and most precious thing that could be." Were I to recount all the industries with which he prepared these things, so that they might serve in the sacred office, it would take too long. He wanted the bread and wine, through the power of those divine words, to be converted into the Body and Blood of Christ, and therefore he desired the very best of all things. Suitable instruments were prepared for making the hosts, and were kept separately and religiously. He himself wove the sacred linen with the utmost reverence, using the finest threads. And this provision was made so that the custodians of the sacred vessels would not use certain shoes, but would ascend the altar. He was almost pained if anyone used linen that was not perfectly clean for the sacred office; and he often ordered that, after the service, whatever linen had been used should be washed, and those who had washed it should be rewarded for their work. "If I could take care of all the churches," he said, "I would do so with great pleasure." And whatever resources he had, whether of industry, labor, care, diligence, or even money, he devoted entirely to the temples, and to those who labored there. Letters from the most distinguished men bear witness

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to the abundant piety with which he provided the sacred vestments for his confreres. The churches were furnished with countless chalices, altar cloths, and the vestments of priests, copes, and other things of which they were in need. And it is also a singular example that, in embellishing the divine house, he did not hesitate to give away whatever was most precious. Finally, to sum up briefly, he felt such a zeal for the divine worship that he believed that all good things would be granted to him if he could, with his own hands, establish a domestic chapel. Because he believed in God, and because he believed in the Saints, in whom God speaks, he showed the greatest veneration to the heavenly host. First of all, he honored the most august temple of the Divine Parent, and, as if writing his own epitaph, he requested that, after the death of his mother, he might be buried there. Then, not only did he offer every kind of obedience to the Blessed Virgin, but he also completely converted his will and his actions to her. He rejoiced greatly that he had conceived a child in ignorance of the pain; he comforted her with prayers, and, so that he might worthily share in her sufferings, he founded a confraternity, to which he appointed seven of the most virtuous women, and in which he received seven girls as guests. And even in this, he was most delighted.

[*Latin ed. p. 189*]

According to the Sacred Ritual, it was customary to call the Blessed Virgin "Our Lady of the Abandoned," and the Institute itself desired to be under her protection. He never undertook any journey unless first he had invoked the most august name of Mary: no place did he enter, no temple did he visit, without first paying honor to her. And whatever he began to do, he did under the auspices of the name of Mary. All that he received, whether of good or ill, he attributed entirely to the most beneficent Virgin. He often invoked her in his daily prayers: he offered Marian salutations to her honor, he fasted, and he afflicted his body severely. He never ceased to serve God, and the virtues of the Virgin were always a source of encouragement to him. He not only wished to have her invoked by his students and members of the Sodality at all times of the day, but, whenever the opportunity arose, he explained her mysteries and taught that refuge should be sought in the maternal goodness of the Virgin. Moreover, the feast days, which were dedicated to the most august Mary, the Mother of God and the Queen, were occasions for him to remember her with particular devotion, and he celebrated them with unusual solemnity. He was deeply grieved and shed many tears if anyone ever spoke impiously of her, or if they showed her less than due honor. Among other saints, he was accustomed to implore the help of the blessed Joseph, the most chaste spouse of the Virgin, with the utmost piety and confidence; and he also experienced the powerful protection of Saint Francis of Paula, whom he ordered to be invoked by the members of the Sodality as the guardian of their domestic treasures. Saint

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Ignatius, the founder of the Society of Jesus, was held in high esteem by him; as were also Saint Teresa, Mary Magdalene, Rita of Cascia, and Francis de Sales, whose image he strove to emulate in his own conduct. He also showed the greatest reverence for the guardian angels, whose patronage he implored in times of difficulty, and he felt their presence very keenly. Finally, since all trials are long, he had assigned to himself all the saints as if they were his own particular patrons, realizing that the glory of the saints ultimately redounded to the glory of God. For among the articles of faith, it is also to be believed that there is a most terrible and obscure prison, where the souls of the wicked are perpetually and irredeemably tormented by eternal fire, together with the impure spirits; therefore, in order to ward off the attacks of the demons, he always carried with him a lustral water, whether he was at home or traveling, as a pledge of victory, and, with the most pious custom, sprinkled vehicles and people with it who spoke with an impious mouth.

[*Latin ed. p. 190*]

190. According to the sacred rites, God is accustomed to sprinkle the sacrilegious with lustral water. — Furthermore, there is the purifying fire, by which the souls of men are tormented for a time. Moved by the highest piety for them, the Archangel Michael added his customary prayers, so that they might more quickly attain their eternal homeland, and, I say, nothing is lacking in this. With the same light and ardor of faith with which the soul, having been drawn from all the corners of the world, was joined to God, so too did he embrace the militant Church. Therefore, he received the decrees of the Roman Pontiff, and those of any authority within the Church, as oracles of a divine voice. He kissed the hands of the priests, kneeling, adoring in them the image of Christ. He venerated the bishops as interpreters of God, who, in His name, teach the divine law to men, and he demanded the utmost obedience from others, severely rebuking those who did not readily obey the commands of the bishops. And he himself, even in those matters in which he might have seemed to oppose them, always obeyed with a simple heart, in matters that were obscure, behaving like a child, who obeys without question and thus perfectly reflects the image of God. Finally, when the Roman Pontiff was venerated as the governor and father of the entire world, sacrilege arose from the civil authority of those provinces, which oppressed the Pontiff, in which the counsel of divine wisdom had long since placed Roman prelates. They renounced the giving of homage and broke off all customs with the queen, who had not hesitated to consider the possessions of the Apostolic See, for the sake of the republic, as legitimate. Concerning heroic hope. From faith flows hope, just as from a source; and the more certain and steadfast the faith, the more certain and elevated the hope. For if confidence in blessed immortality were not joined to men, it would not be certain that they would attain it, because it

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would not be assured by the promise of God. The Archangel Michael also had a firm hope. For, especially through divine mercy and the blood of Christ, by which eternal salvation has been given to men, and the reward of eternal life is merited and attained through the redemption of the world, he affirmed that he himself would attain it. Because, indeed, the more intense the feeling, the more easily it moves the hearts of others, kindling the inert and inspiring them to all things.

[*Latin ed. p. 191*]

From the Sacred Rules, paragraph 191: She converted [others] with her manner, exciting admiration for the goodness of God, so that they might place their hope in the saving grace of the one God. If any of the companions were troubled by the waves of temptation, she urged them to seek refuge in the port of prayer: she instructed them to touch the image of Christ, which they were accustomed to carry always on their sleeves, and to place all their sorrows with this benignity, so that, as the mouth of Satan was loosened, they might be freed. She also urged them to hope greatly in the patronage of the Virgin, and she strongly encouraged the Sisters to turn to God in all matters pertaining to the conduct of life. If a serious matter arose and counsel was lacking, she urged them to turn to God, bending their knees in the chapel, so that they might receive the necessary light. No one is ignorant of how much these things declare the excellence of virtue. He who has understood the riches of Christ, has his mind drawn away from all earthly things. He despises all things before these; to him, abilities, honors, and wealth are worthless; deeply ingrained in his mind is the excellent voice of Paul: "Furthermore, I count all things to be but loss for the excellent knowledge of Jesus Christ, my Lord: for whom I have suffered the loss of all things and count them but as dung, that I may gain Christ." Such is the piety of the Handmaid of God, which could neither be expressed in thought nor in word. She spurned riches, the most noble position in the world, honors, and, above all, she fearlessly rejected everything for Christ. She even descended from the highest seat of nobility to mingle with women covered in mud, and, extending her hand, offered them the garment of virtue. She followed in the footsteps of Christ, and therefore, from her very first years, she looked not to her own, but to the glory of God. And she understood that "already Jesus Christ had traced the best way to procure the glory of the Father; and, abandoning all desires, and the favors and comforts of fortune, by taking the cross of Jesus Christ, she sought nothing more than to suffer and endure in the world." Truly, neither trials, nor sorrows, nor calamities were absent from the soul of the Handmaid of God. This was most clearly demonstrated in her Institute. — Because she had rescued young girls from filth and wickedness and had delivered them from the jaws of Satan, transcribing them into virtue, she aroused the envy of both men and the infernal regions. It often happened that those who,

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frustrated in their forbidden loves, hated the works of the Handmaid of God, would pour out their most bitter venom.

[*Latin ed. p. 192*]

192 Through the intercession of the Virgin, and invoking her protection, she escaped unharmed from the snares of the Holy Office. There were added, those things which were considered most grievous: the intrigues of the royal court; the disdainful glances of the students, who sometimes rebelled and withdrew; the hatred and machinations of the nuns, whom she had preceded in the Institute. Added to these were the anger of women, who proclaimed that the undertaking would fail sooner rather than later, and who wished to abandon it entirely; and the prejudices of good people, who did not cease to accuse God's Handmaid of obstinacy. The cares were increased by the hardships of poverty, by the almost constant necessity of labor, which would have disheartened the spirit of any man, let alone God's Handmaid. These trials were like a wall of hope, which she never ceased to strive to break or to overcome. She accepted them with joy, and led a life without any disturbance. The more difficult the task, the more eager her spirit. Although all evils pressed upon her, she never allowed the palm to be snatched from her hands. She always desired to suffer more. Indeed, she wished to offer herself as a worthy victim, as Saint Therese said, "that young girl sighed for the palm of martyrdom, and with the grace of God, she found herself in a position to shed her blood, not only in defense of the Church, but also for the smallest of her ceremonies." Even in poverty, and despite being insulted, abandoned by her own, she presented a truer image of Jesus, which she wished to possess, and in which she wished to recline. Often, in human affairs, extreme fortitude is occupied by arrogance and by the overconfidence of one's own opinion. God's Handmaid was entirely free from this vice, for she never relied on herself, but expected everything from God. Often, with these words, she cried out to Jesus: "Although I am a great sinner, I trust in your blood." Indeed, she was convinced that God was the author and source of all goodness; and that the works of men were only means to attain salvation. Therefore, God's Handmaid understood that, just as for the salvation of other souls, as for her own, it was absolutely necessary to cooperate with her superiors, in order to ensure, through them, the hope of salvation, through the grace of Our Lord Jesus Christ. Remembering that God, in His nature, is perfectly blessed and in need of nothing, and that the words of David constantly resounded in her ears: "My God, for thy goodness doth not require my goods," she said, "no creature..."

[*Latin ed. p. 193*]

From the Sacred Ritual, number 193, it is stated that [certain practices] are efficacious only if they are accompanied by divine grace; therefore, it is

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most important for men to strive and labor so that they may merit, through the merits of Christ, the fulfillment of their vocation. Furthermore, it was added that men ought to be helpers, and ministers of the grace of God, in order to advance along the path that leads to heaven. "He who created us without us, cannot save us without us." Truly a noble sentiment, worthy to be inscribed in letters of gold! Therefore, he spared no effort in order to attain eternal salvation. And first, he turned to prayer, as to the best interpreter of our needs and the one who understands our miseries. He prayed constantly, and often turned his eyes to heaven, and with sighs and tears, he addressed his Father. Then, he practiced true penance, and moved by that fear which follows, the soul, having before its eyes the severity of punishments and the majesty of God, is thoroughly converted from its sins. "By means of prayer and penance, he sought and labored for his eternal salvation, not being discouraged by difficulties and annoyances, because he was convinced of the words of St. Paul: 'All things are possible to him that believes.'" Thus, he approached God with filial fear, which is the sweetest of all delights. And it is not surprising that, in so many instances, such hope was rewarded with prosperous results. "Many times, in his distress, he received help through unexpected means." Scarcely had the Venerable Sodality been instituted, when all the necessities of life began to be lacking. And there was not even enough food to sustain them. The Servant of God prayed, and at the opportune time, he received unexpected assistance. At one time, only one penny remained. A poor man sought a contribution, and without hesitation, he gave it to him. One of the members complained, reproaching this excessive generosity. But shortly afterward, he saw with his own eyes how generously God repaid the kindness shown to His servants. But let there be a limit to examples, since the tables of the law are full of them. This is what Michael did, which Christ Himself commanded: "Seek first the kingdom of God, and His justice; and all these things shall be added unto you." Indeed, he deserved to receive such an abundance of heavenly gifts because he was striving for the kingdom of God, which encompasses all that is necessary for the preservation of both body and soul. God will never abandon us, provided that we do not abandon Him ourselves: for God is the Father of all men, and of all mercies. These are the words from the Acts, Volume XXXV, section CDXII, 13.

[*Latin ed. p. 194*]

194 From the Sacred Ritual, the Servant of God desired that this be confirmed by words and deeds: she was entirely devoted to all matters. Concerning heroic charity towards God. Charity, according to the Apostle, is the most excellent of all virtues. Not only does it bind men, although infinitely separated from God by the interval of nature, to God Himself with the bonds of closer friendship, but also, after this mortal life, this same virtue leads men to heaven and there increases the flame of their ardor

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with purer fire and greater power. This most excellent charity, of which one part diligently attends to the observance of divine precepts, and the other consists in union with God, was perfectly fulfilled by Michaela. Indeed, she eagerly seized every opportunity, both in divine and ecclesiastical matters. With her whole heart, she strove to observe "with the greatest piety all and each of the commandments of God and the Holy Mother Church." And if, perchance, news reached her that somewhere the divine precepts were being scorned, she not only openly condemned it whenever she could, and punished the guilty with due penalties, but, in order that the divine glory might not be harmed, she herself, with great force, would pour forth tears, cruelly striking the innocent body with whips.

And because the duties of charity demanded that she herself set an example of what she had instituted by her laws, her companions in the Sodality had no one more devoted. Therefore, the members of the Sodality were accustomed to order their lives according to her example, and since she, as the guardian of discipline, vigilantly guarded against abuses, all things flourished abundantly with divine charity and the pursuit of a more perfect life. The manner of acting of each person, the mind, and the soul are moved by diverse affections, just as, from the root of a tree, fruits, good or bad, proceed. Michaela, who clearly understood this, made it her constant will and judgment that her plans, thoughts, mind, and soul, and indeed all things, should be right and constantly directed towards God, so that she might act justly and perfectly. "Her intention was so pure that even the most insignificant things were done for a supernatural reason." And what is more difficult and perfect, she pursued with a strong spirit, striving to please God in all things.

[*Latin ed. p. 195*]

From the Sacred Rituals, 195 [persons] were instituted. With such precautions taken, even the smallest offenses caused them great fear, lest they become the cause by which God would be offended. Therefore, "they breathed into their actions a remarkable perfection, and served as an example and a destruction of temptations, so that they might desire to do all things solely to please the Lord." Hence, do not be surprised that, with such zeal employed, they preserved the integrity and inviolability of innocence until death. Nor does the divine fear extinguish divine love; rather, one supports the other, becoming more perfect and more radiant, like gold proven by fire, shining with a brighter light! – Michaela felt herself so rapt in ardent love for God that she could not only fill her innermost being with the sentiment of charity through prolonged contemplation, but she also sought to expand her soul to love Him more. "She lamented that she had a heart too small, and she desired to have a larger heart in order to love our Lord more... She sighed with some difficulty when she spoke of divine things... her chest was small to contain a heart that

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was great towards divine love." The most ardent fire that burned within her was manifested outwardly; therefore, even in simple garments, she always appeared adorned, and so "in the winter, her dress was too cold... she wanted to enlarge the body of the garment, because it seemed that it could not contain something that she had in her heart." Consequently, it was necessary for her to exhale the ardor of charity through prayers, with which, like arrows shot from a bow, she cast her soul towards God. "Her sighs, her ejaculations, her tears, and the inflamed color of her face demonstrated the great fervor of her soul during prayer." For a long time, kneeling with her eyes fixed on heaven, she prayed, remaining motionless, which astonished everyone, that she should persevere so long in prayer, as if her senses were transported. Day and night, with the image of Christ before her eyes, she contemplated, from which neither worldly pleasures, nor the rumors of the court, nor the labors of founding a sodality, nor any anxieties could distract her. "It seemed that the disgusts and sufferings... were what brought her closer and closer to God. Her fervor never diminished, and the more she suffered, the more she prayed." To conclude briefly, I know not what heavenly sweetness there was in it, but those who, completely rapt in admiration, attempted to imitate her habit of prayer, despaired of equaling it.

[*Latin ed. p. 196*]

196 EX S. C. RITUUM. It would not be amiss if someone were to say that Michael possessed a steadfast devotion to prayer throughout her life. There was no time that was considered unsuitable for prayer. She was most diligent in rising early to attend to sacred duties; her companions would often find her praying at midday; and she greeted the setting sun with prayers, which she was accustomed to offer late into the night. Nor did journeys, as is often the case with others who lead a wandering life, ever call her away from prayer. On the contrary, she sought out every opportunity to lift her mind to God, and she never neglected the appointed times for prayer during the day. And just as our prayers are more pleasing to God and more readily obtain His grace when, with our senses withdrawn, we cling more closely to Him, so too did Michaela, with deep contemplation, diligently consider the divine benefits and added mental prayers to those uttered with her lips. Thus, her prayers were truly elevated, as if incense rising before God. And because (according to the words of St. Augustine), "prayer ascends and God's mercy descends": although the earth is high and the heavens are high, God hears the language of man, if he has a pure conscience; therefore, Michaela's prayers possessed such delightful utility, such power, that they manifestly revealed the abundance of heavenly gifts and brought them to her and to others. Therefore, in times of pressing necessity, her companions placed great trust in her prayers, which were openly testified to: "regarding the fruit that could be drawn from prayer...

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we clearly saw her advancing on the path of perfection, and we were so certain of the efficacy of the same, that when we saw her entering the chapel in times of need, we were fully convinced that her prayer would alleviate the necessity and remove the danger." Her ardent devotion to prayer was a fitting accompaniment to her fervent obedience to the mysteries of the Christian faith, which she cultivated with the greatest zeal. Indeed, the reason we pray is primarily because we are created by Him; but that work of redemption is so outstanding that the most beneficent God and our Father, in order to illustrate the great kindness and love He has bestowed upon us, declares: "Behold what manner of charity the Father hath bestowed upon us, that we should be called and should be the sons of God. Therefore the world knoweth not us, because it knew not him." The weight of this redemption, by which we have received the Holy Spirit and are made worthy of God's grace, was ever present in the mind of God's servant, and when she gazed upon the image of Christ crucified, she was filled with such emotion that...

[*Latin ed. p. 197*]

From the Sacred Ritual, 197: Tears were moved. The power of love is such that if someone we love is afflicted by distress, we are overcome with their suffering. Often, Saint Michael, deeply moved by the sufferings of Christ, would speak to her companions about them, and as they themselves testify, "the consideration of the pains that Our Lord Jesus Christ suffered for us afflicted her so much that she shed tears, which edified us." She delighted in the pious exercise, which is called the Via Crucis, of accompanying Christ, Our Lord, up the mountain of Calvary. But often, the pain would choke her voice, and she would seem to lose her senses, as if she were experiencing the force of those sufferings herself.

She had composed certain set formulas of prayers, to honor the Five Wounds, and she not only recited them properly with her companions every day, but she also took care to have them published and disseminated to the public.

And from her charity towards Christ crucified, that pious custom has been preserved, by which the students of Saint Michael often carry an image of Christ on their sleeves. Then, in order to draw closer to Christ and to imitate Him more closely, she eagerly seized every opportunity to suffer. She was particularly delighted by the flagellation, directing all her strength towards ensuring that everyone would offer something for Christ. Therefore, she would stir up the souls of her companions with these words: "For love proves itself by suffering for the beloved." And when she deeply understood what He had suffered, she, the servant of God, moved by compassion for those whom He created, for the Lord, who for His servants suffered so much, through whom heaven and earth were made, would say: "Alas! My daughters, have we not yet shed blood for Our Lord Jesus Christ! What

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can I do for Him? We do so little!"

The ineffable pledge of charity that Christ gave us as He was about to return to the Father, the Eucharist, certainly contains this. And those who, through Him, are bound to God by bonds of such profound charity, should not fail to approach this divine food with a hungry, eager, frequent, and ardent desire. This is what Saint Michael also did, and even though she had tasted the sweetness of this bread for many years, she always wanted to taste it more eagerly throughout her life. "She received Holy Communion every day without ever missing a day." Nor did she ever cease to nourish the souls of the angels with this heavenly bread, even through grief, illness, travel, or heavy rains. Sometimes, she suffered from the most acute headaches.

[*Latin ed. p. 198*]

198. From the Sacred Ritual, she was either afflicted by a grievous illness or, suffering from some other ailment, remained confined to her bed; yet, she would eagerly rise to partake of the heavenly food. Moreover, what words could adequately express the sentiments of charity, the expansive affection of her soul, the effusive sweetness, the celestial delight, with which she was filled when contemplating the mystery of the Divine Sacrament? "Her devotion to the Most Holy Sacrament was like an ecstasy for her soul." And whatever marvels of festivity, elegance, and grace the human tongue possesses, all were surpassed in her eagerness to offer her charity to the Sacrament. Thus, she would call it "the love of my loves, my beloved, the spouse of my soul... my consolation." During the labors of the day, "she would frequently and lovingly sigh, uttering prayers and praises." If, while traveling, she passed by a church, she would exclaim with overflowing joy, "There is the Church! There is the Most Holy! There is my Beloved!" Like iron drawn to a magnet, she was irresistibly drawn to it. Often, she would traverse rough and stony paths. Then, yearning for the heavenly repast, she would urge those with her to sing, and if only she was with another of her companions, charity would burst forth in the sweetest of songs. The sound, the voice, the trembling, the heaving of her breast, clearly indicated that the flame of charity could not be contained within her. "I still seem to see her face alight, and her agitation of the breast, which seemed unable to contain so much love, and I still hear the enthusiasm with which she, in a kind of delirium, would say: 'Let us sing... let us sing.'" Then, with fervent love, she would often delight her companions with this sweetest of songs: "Let us praise the Lord Who, after so much suffering, Remained in the Sacrament as a victim of love." Truly, anyone who would look upon her would easily understand how much she burned with love for the Sacrament! For the fire of charity, hidden within her words, her mouth, and her entire bearing, was revealed. During the hours of the day, as she passed by the Tabernacle, she would be so filled with the tension of her soul and body, as if she wished

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to fly; and when she finally emerged from there, she shone with such ardor that those who were present, captivated by admiration, would ask her what she felt: "What a marvel there is (she would say), because she has come from..."

[*Latin ed. p. 199*]

"From the Sacred Rites, 199: A refectory, intoxicated by the wine of divine love? Often refreshed with heavenly food, her voice, though mortal, seemed to resound as if from heaven, her countenance turned towards a celestial form. Not a woman of this world, but an angel, who lived at that time. For Christ Himself dwelt within her, and her soul seemed to overflow with joy. If she began to meditate, she would close her thoughts with a devout consideration of the Sacrament. Hence, those who were with her in the confessional, having witnessed such diligence, were accustomed to say: "What a discerning spirit you have, who finds everything in the Sacrament!" When she attended the public adoration of the Sacrament, her eyes fixed on the sacred Host, her senses dulled, she was utterly transported, as if she were presented to the celestial gaze. What more can be said? The sacred ministers who administered the Holy Eucharist to her would quickly withdraw their fingers, lest they be burned by the spirit emanating from her lips. As often happens with men, who, in times of great necessity, flee to the refuge of their friends, and in the anguish of their poverty, turn to God, so too did she approach the Sacrament to seek help. Under the protection of the Sacrament, she proclaimed that she had obtained all that she desired. It often happened that, when oppressed by difficulties, and when God seemed to delay His help, she would approach the Tabernacle and gently exhort the Sacrament with these words: "Lord, why do you not hear me?" Then, whatever great calamity was impending would be repelled, and Michaela would express all gratitude to God. But such faith and charity, she strove with all her might to instill in her companions, saying that she placed all her hope in the Sacrament, and that there was nothing that could not be obtained if the Sacrament was invoked. And because it is most fitting for perfect charity that many lovers of God should gather together, Michaela, with her charity, undertook all those apostolic labors by which she drew her companions and others to devoutly adore the Sacrament. She knew and pursued all the ways to foster this charity: hence, in the meetings of the sodality, she would frequently speak sweetly of the Sacrament; hence, she would give exhortations that they themselves, even with their outward demeanor, should approach the Sacrament; hence, she would take diligent care that the public adoration of the Sacrament should be performed properly, and that solemn celebrations should be held with overflowing joy in honor of the divine Body of Our Lord; and finally, she would make vows and exert all her strength to encourage all the members of the sodality to devote all their strength to the adoration of

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the Sacrament."

[*Latin ed. p. 200*]

200 from the Sacred Rituals were present. She said: "A single heart was insufficient to adore Him; we needed a thousand hearts to adore and love Him... before Jesus in the Sacrament, one finds peace, joy, and consolation... with His presence, we have everything." Indeed, the charity towards the Sacrament shone forth as a miracle in the Sodality, which she instituted with perpetual honors, supplications, and prayers; and she ordered that the members of that college should never be called by any other name than Cultors, or rather, Handmaids of the Most Holy Sacrament. And she endeavored to explain the meaning of these names, which contained such great grace, and she declared that they had been divinely given to indicate that they were destined to adore the Sacrament. In order that the memory of this grace might be perpetually impressed upon their minds, she not only wished to derive the name of the Sacrament for herself, but she also instituted a custom so that the members of the Sacrament might wear an image of the Sacrament upon their breasts, and she also decreed that they should greet each other with these words: "Praise be to the Most Holy Sacrament," and "Always be blessed and praised." Furthermore, she ordered that the entrances of houses, walls, or domestic books, papers, and everything else, should bear the name or image of the Sacrament, so that all might declare their love. For she feared that men, ungrateful for the benefits received and acting impiously towards the Sacrament, would violate its sacred majesty. With great sorrow, at Fratta, she lamented the sacrilege that had offended the majesty of God, and she instituted works of expiation for the malevolent acts. Therefore, she not only instituted that the members should recite prayers daily, but she also established a certain day (the fifth day of each week) which she herself would cultivate with piety, and she called it the Day of Love. She wished that on that day, all should cleanse their minds, repairing the injuries done to the Tabernacles, as far as they could. And she did not cease to imbue the members with useful precepts, so that their prayers of expiation might be more effective. These plans, conceived with such devotion, led her to institute other pious Sodalities for women, from which the civil community soon reaped abundant benefits. And so it was, as St. Bonaventure says of her: "She seemed to become one spirit with God through the liquefaction of the most excellent love." After God, however, as is fitting, all the heavenly hosts...

[*Latin ed. p. 201*]

From the Sacred Rituals, 201: Above all, she loved the Divine Parent with overflowing charity. As we have already mentioned, she was accustomed to honoring Mary, from her earliest years, in every possible way, and to calling her "Mother." Therefore, when the impulse of ardent charity could

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no longer be restrained within her breast, she was often heard, on any occasion that presented itself, "speaking with great enthusiasm about the Most Holy Virgin and Saint Joseph," of whose present intercession she spoke to everyone. But while her divine and human love surpassed all others, they nevertheless agreed that she greatly promoted the glory and the name of her friends, and desired that they be honored by all. Moved by this divine charity, she strove to spread the glory of God and His divine name throughout the world. As Isaiah said: "Extend the borders of your tabernacle, your sons from afar shall come, and your daughters from the side shall rise up," so the Servant of God confirmed. Indeed, through her most diligent study of the divine glory, countless works of charity were brought forth, which, despite many difficulties and obstacles, she persevered in with unwavering zeal. "One could see how, like the midday sun, she sought nothing but the glory of God." She aroused love for God in all, and almost by divine inspiration, she taught those around her how to offend God, so that, with fervent love, she might strive to avoid sin and increase the love of God. Nor did she promote only the divine Name, but also the splendor of divine worship. The walls of the temples, the flooring, the ornaments, and even the smallest things that pertained to divine worship, shone with luster and brightness. What more? She even wished to sow the grain with her own hands, so that it might be used for the Eucharist. "If I could," she said, "I would possess a field, and I myself would sow it, and I would cultivate it, seeking the best grain, so that the best flour might be made for the hosts, in which the whole of God would be contained." Therefore, no one had a love for God equal to that of the Servant of God, whose soul "was a volcano of fire kindled by divine love." Her heroic charity extended to her neighbor. The love of God led her to treat her neighbors with righteousness. Therefore, because the Servant of God was so inflamed with the love of God, she also joined charity with her neighbors. This charity was absolute in all respects. As long as the Servant of God lived, so long did she benefit mankind; nor was there a time when she did not do good.

[*Latin ed. p. 202*]

202 E X S « C « RITUUM or local customs, or by the condition of persons, were hindered. As the divine goodness, which, like a flood, spreads its benefits to all, so too did the charity of Michael shine forth, embracing the entire human race and striving to bring comfort to all those in need. To more perfectly fulfill the office of love, she resolved to dedicate her entire life to the good of her neighbors. Indeed, she readily gave her name to all societies that concerned themselves with providing assistance to the poor or with the salvation of souls, so that she might offer her tears and her support. But true love consists of two principal parts: one pertaining to the body, the other to the soul. In both of these, Michael displayed the highest excellence.

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Even in her tender youth, she felt a great compassion for the poor who were in need; what she did to nourish them with such abundant charity has already been mentioned as we recounted her life.

Upon reaching maturity, she sold her paternal inheritance, received by inheritance, and gave all the money to the poor. Having founded a society, she chose the most suitable part of Madrid to personally distribute food daily with her own hands at the door of the poor. And to those who were unable to bear children or who were seeking a husband, she ordered that food be brought to their homes. She never distributed inferior food to the poor; indeed, she vigilantly watched to ensure that they received the healthiest food, and even rebuked the cooks in the society if the situation required it.

To women who were in a state of misfortune, she sent assistance every month in money. Sometimes, she even took in young girls who were lacking food for several days, sheltering them in her own home. She gave not only food, but also clothing. And with even greater acts of charity, she gave away what was necessary for her own sustenance, so that she might provide for them! It was not uncommon for her, out of love for the poor, to leave her cloak, when she had nothing else, and to be picked up the next day, clinging to her bed.

She reached the very pinnacle of charity when, being destitute of all possessions, she went from house to house, and did not hesitate to beg, so that she might provide for the needs of her neighbors! How much these things demonstrate the excellence of virtue, no one can deny. She spent almost her entire life in this way; indeed,

[*Latin ed. p. 203*]

From the *Sacramentorum Rituum* 203, it is also known that she was accustomed to visiting the sick every night, at the first light of dawn, and in the middle of the day. She spared no effort in her care; she visited each bed in the infirmaries, and she provided for the needs of all. She chose for herself the most humble services, which others avoided. She delighted in sweeping the floors, making the beds, and cleansing the sick. She imitated the most virtuous women, those illuminated by the precepts of Christian wisdom, who excelled in charity, and she strove to reflect their image. She not only did not disdain those who were contagious or decaying, but she embraced them with greater affection. Already, in the beginning of the account of the life of the Servant of God, we have presented many examples of women who, afflicted by terrible ulcers, emitted a most foul odor. While all others abhorred them, she, not for a single day, but for solid months, showed them the most ardent charity, applying all remedies. From this, she even contracted leprosy, but she was miraculously healed by the divine waters. Moreover, Michaela persevered in her care for those who were afflicted, even when it was more difficult, and she saw in them the

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image of Jesus. Finally, she filled her life, which she lived with such divine charity, with a brilliant end, amidst tears and profound emotions. Even to the military orders, Michaela extended her charity. In regions where war was raging, when she saw that soldiers, separated by great distances, were in need of assistance, she sent them abundant supplies of medicine. Furthermore, she showed religious generosity to those who had been deprived of their possessions. But above all, she rejoiced in visiting the prisons where women were held, and she encouraged many of those condemned to death to repent of their crimes, and she led them to the very edge of the executioner's block. Given the feelings of charity that stirred the Servant of God, it is no wonder that these very bishops proposed her as an example of charity to be imitated. For whoever serves the weakest and most needy with greater eagerness, seems to draw closer to Christ, because it is Christ's own words: "As much as you did one of the least of my brothers, you did it to me." With the same love, she applied her services to the infirm within the monastic community. She devoted the time she had available to visiting their beds.

[*Latin ed. p. 204*]

204 FROM THE LIFE: She established certain hours, during which she would administer medicine with her own hands. Witnesses recount that "in the house, there were many illnesses, from which everyone suffered... she did not leave a single moment to assist the suffering, even when it concerned contagious illnesses." Therefore, she not only provided them with all necessary care, but "she became a perpetual nurse for them." When they were afflicted by a pestilent disease, she took care to ensure they were separated, and she approached them fearlessly. — As the final throes of death approached, she wiped away their sweat, not leaving them until they breathed their last for God. And even the body, now lifeless, clothed in funeral garments, she herself most reverently prepared for burial. Truly, she was like a most loving mother, who embraces her children with equal charity, or even risks her own life for them, there is no doubt. But because the true good of man lies in that which leads to eternal glory, her mind was especially drawn to these things, and she pursued them with constant effort. Indeed, she devoted herself to healing bodies so that she might offer greater healing to souls. — And she diligently cared for this most important task, so that everyone might be aroused to recognize the immense goodness of God, and, inflamed by this divine love, might be drawn to that highest good, in which true and lasting happiness consists. And what is easier to achieve than to instruct those held captive in ignorance or in worldly gatherings, with the precepts of doctrine, striving to benefit everyone for Christ? Moreover, in those gatherings, she would hurry from one to another, encouraging the sick with salutary words and discussions of heavenly things! She gently taught them about the sufferings of the body,

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about illnesses, and even about death itself, for God's sake, observing the sentiment of the Apostle, who said, "Give instruction to the wise and the foolish," so that they might understand that all her words were suited to their piety and their circumstances. Therefore, many, who had previously been lost, received her exhortations with a renewed mind, and lived their lives thereafter according to Christian principles. Let us hear a third witness speaking of the immense charity of God's servant: "Her charity and zeal had no limits when it came to the conversion of a stray soul." Often, in order to see the salvation of souls, she was led to difficult situations, from which God rescued her with his present help. She stirred the hearts of the wicked.

[*Latin ed. p. 205*]

From the Sacred Congregation of Rites, 205, it earnestly recommended that they return to a life of virtue. It also desired that the angelic salutation be recited to the Sodality members, and that prayers be offered before the Holy Host, publicly adored, for the purpose of this endeavor. And it was not enough: for those who had fallen, it did not hesitate to offer a pleasing sacrifice to God; therefore, it bore the punishment of the sins of others on its own body. And in order to achieve a more favorable outcome, it was accustomed to employ the prayers and works of expiation of the Sodality members. Which, as it was gratefully accepted by God, often brought about a happy result. But among the works of charity which the Servants of God performed, there is indeed an institution, founded by them, which they ordered to be called a Sodality, and which was entirely intended to help young women rise again or to protect themselves from dangers. Indeed, it is a marvelous work which, despite the many and countless obstacles, scarcely a few had even considered, and which, through the Servants of God, led young women, amidst the reproaches of men, to the highest degree of virtue! To look to their eternal salvation, and at the same time to provide them with the necessities of life, so that they may avert any occasion of sin from themselves, and at the same time strive to be placed in the most honorable families, this is what the Sodality of the Servants of God most greatly concerns itself with. In this matter, everyone surely knows how much charity is contained. And the most fervent love reached its highest degree when, following the example of the Good Shepherd, she did not wait for young women, already advanced in years or aged, to ask for help from her, but rather, she herself sought out young women flourishing in their youth in hospitals, and invited them to her home. — As the night approached, and when these women would gather in the forum to be sold to young men who would corrupt them with their vices, she also did not hesitate to go out of her house, to meet with them, so that she might lead them to the treasures of virtue. And she did not rest until she had brought them home with her. At home, she cleansed them of the filth, both of body

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and of soul: "She washed and cleansed the young women, who came from the hospitals and from houses of perdition."

[*Latin ed. p. 206*]

206 FROM THE SACRED RITUAL: "She tirelessly sought to alleviate the misery, cleansing and washing even the wounds on the heads of these young women." Captivated by such sentiments of charity, they were more easily led to obedience. Indeed, her various industries catered to the different ages of the girls: she kept track of their numbers; she observed their talents; she prescribed individual exercises for each, and instilled in them virtues appropriate to their age. A certain virtue was certainly discernible in her: "In a way, she employed not only her patience, which was abundant, but all of her five senses to win over the girls and to lead them to the holy purpose she had in mind." She did not punish them harshly, nor did she inflict severe penalties; rather, she wanted them to seek improvement in their conduct, following the example of the Sisters and through a silent consideration of their errors. If, at times, they caused a disturbance, she acted as a strong leader, not brandishing strict commands like a sword, but rather approaching them with kindness. She was sweet in her reprimands. After calming their spirits and extinguishing their anger, she would rebuke them with a strong spirit, encouraging them with appropriate advice: thus, these girls, delighted by her, would become more docile in the sight of the Handmaid of God, softened by her words, and corrected by her discipline; they would be perfected, almost transforming their nature. We cannot express in words how much effort was devoted to leading these girls to eternal salvation. For it is written: "Every scripture, inspired by God, is useful for teaching, for rebuking, for correcting, for training in righteousness, so that the man of God may be complete, equipped for every good work." Thus, the Handmaid of God, as if made a little one among her sisters, and as a nurse nurturing her children, first of all took care to fill their minds with the precepts of God, which contain Christian wisdom. With watchful eyes, she ensured that they attended the sacraments properly, that they participated daily in the holy services, and that they recited the prayers of the Rosary. She also wanted each girl to persevere in her studies of piety every day, so that they might be separated from the distractions of a frivolous life. And since manual labor accustoms the soul to virtue, she trained them in domestic tasks. When they were allowed to have festive days, so that they would not be tempted by the desire for their former lives, she permitted them to spend these days in a cheerful manner, but always with the integrity of their religious duties. Indeed, countless are the evils that lead people to sin. For they violate the integrity of the soul, which Christ has betrothed to Himself. "If anyone violates the temple of God, God will strike him down; wrath and indignation, tribulation and anguish will

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come upon him."

[*Latin ed. p. 207*]

From the Sacred Ritual, 207, concerning the corruption of every soul. Therefore, as she vehemently implored Michael for forgiveness, and begged the prayers of God, fasting day and night. Nothing seemed difficult to her. Since grace flourished in all things, she obtained from those who governed the republic that certain women, who had been marked by shame and were held in public custody, be brought to her colleges, where she established institutions of piety and charity. What more need be said? Driven by divine instinct, she did not hesitate to penetrate even the dens of vice, in order to snatch souls from the clutches of the demon! And even if they were to object, claiming they lacked resources, she used the very sharpness of her words to persuade them to provide the necessities for a virtuous life. There were some who, having been delayed in Michael's college, were later, through an unadvised desire for freedom, wishing to leave. But Michael, with a voice almost choked with emotion, said, "Signore, what will become of this young woman? Oh, no, she must not go out into the world again; I will not allow the Devil to have his way with her again! No, no; she will remain here; it will cost me whatever it may cost; her salvation is more important than anything else." Thus, she spared no expense, and she arranged for a comfortable home, which pleased her, to be chosen from among others. Day after day, she brought forth works of charity, by which Michael advanced the Kingdom of God, and she brought many souls to salvation. Among so many women whom she raised up to virtue, there was one to whom, after establishing a dowry, she gave a Latin teacher, so that she might enter the Carmelite order. Other young women, of lost reputation, who were of exceptional beauty and had captivated many suitors, were given valuable clothes, and, with bodies afflicted by suffering, they were received into the service of God, according to the counsel of the Servant of God. For, in order to turn away greater evils, she especially directed her attention to those who were more beautiful. There was once a very wealthy man, who, captivated by a mad love, had forcibly taken a young woman, orphaned by her parents, and placed her in the homes of women, burdening her with the stains of infamy, so that he might more easily exert his power over her. When the Servant of God learned of this, she immediately went to the man's house with her companions. The women who came, with so many faults, were received by the man's household, and it seemed as if the members of the household had lost heart. But Michael, unwavering in the face of adversity, maintained her strength of spirit, and she did not cease until the young woman was her

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own.

[*Latin ed. p. 208*]

208 From the Sacred Congregation of Religious, it was reported that a certain young woman, who resided in a college under the protection of the Ladies of Divine Providence, had previously taken money from her mistress. Moved by the sorrow of this misdeed, she could not bring herself to approach the sacrament of confession. Michaela, who had discovered this, repaid the money to her mistress and instructed the young woman to maintain a tranquil spirit. Another young woman, having lost her chastity, had fled to the Ladies of Divine Providence for penance. Afflicted with consumption, she was slowly wasting away. Michaela provided all the necessary acts of charity until the young woman received the spirit, secure in eternal salvation. I will mention these examples briefly; for the sake of brevity, I will omit many more. It is certain that the Ladies of Divine Providence diligently performed the duties of charity, and, if I may say so, they fulfilled the work of redemption for others, following the very example of Christ. But the most outstanding duty of all, which we know to be the most excellent act of charity, is to love our enemies with all our heart. The Apostle also exhorts us with these words: "But if the enemy be hungry, give him to eat; if he thirst, give him to drink. For, doing this, thou shalt heap coals of fire upon his head." Michaela, imbued with these precepts, perfectly fulfilled all the duties pertaining to meekness, gentleness, and other virtues of that kind, towards her neighbors. She loved those most who were her enemies, and although she was often ill-treated by them, she not only granted them forgiveness, but, as if she were the most sinful of all women, she knelt before them and begged their pardon. When insulted, she remained silent, lest they suffer any harm. She also tried to excuse them, believing that they were acting out of ignorance and did not know what they were doing. And the more she approached Jesus, the more she not only forgave those who ill-treated her, but also bestowed upon them greater benefits and graces. What more could one desire? Although she could easily refute all the calumnies that were leveled against her, she never offered any excuse for herself. For the injuries that cause sorrow in others seemed to Michaela to produce a more joyful effect, so that the words of Saint Gregory could be applied to her: "To bear insults and to love one's enemy is martyrdom in secret thought." Finally, the charity with which she burned also fostered the temples that were suffering from poverty, providing them with linen and garments for the sacred rites.

[*Latin ed. p. 209*]

FROM SACRED RITUALS 209, everything that was to be done was provided with suitable furnishings, and all expenses were generously covered. Not only was he accustomed to making such things with his own hands,

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but he eagerly sought out which churches were in the greatest need. Hence, he wrote letters to many priests, "in order to learn about the greatest needs of the churches of the Lord; even his own joys he dedicated to having a beautiful ostensorium made for the Chapel of Madrid." — Indeed, he was a mother to all, lacking nothing for anyone, and he embraced all with the bosom of piety. Whenever any tribulation was brought to his attention, he considered it his own.

ON THE MORAL VIRTUES, AND FIRST, ON HEROIC PRUDENCE. Just as medicine is to health, and navigation is to the governance of a ship, so too is prudence to living well and rightly, for it contains the knowledge of what is to be sought and what is to be avoided. Hence, prudence is seen in the choice of good things and of greater things, by which we strive for our eternal salvation. The Servant of God always hastened towards God, as towards the supreme good, and he strove with all his might. From a young age, he resolved to remain constantly in the fear of the Lord, and he supported all those things that would contribute to the fulfillment of this purpose. "With this goal in mind, he persevered unceasingly: he made spiritual exercises every year, two days of retreat each month, and the exercise of the good death." As the divine fear was more aroused within him, he constantly kept his sins before his eyes; and whenever he withdrew to recreate his soul through contemplation of heavenly things, he did so with this intention, "to know God and to know himself," which is the most salutary counsel for every good person. Then, as the true hour of death and the imminent divine judgment approached, he would be aroused, and lying prostrate, "as if he were dead, surrounded by four lit candles... while another sister read the Exercise or the Prayer of the Death." Thus, as if in the years of battles and the constant exercises of soldiers, *Acta*, Vol. XXXV, p. CDXII, 14.

[*Latin ed. p. 210*]

210 From the Sacred Scriptures, it is clear that the leaders of the Church strive to cultivate the art of contemplating death, which should be the supreme counsel for every human being, and Michael learned this with the utmost prudence. And since death, when related to good works, is itself the sweetest of deaths, he desired to practice the works of charity with all his might. — Indeed, those things which are accomplished by human ingenuity become more perfect and more complete the longer they are practiced and the more they are pondered in the mind. Michael, although of excellent and outstanding character, was nevertheless quick-witted, and if he had not restrained this, he would have been carried away by the movements of a joyful spirit into rash actions. Therefore, he exerted all his strength to completely restrain this, and thus to bind the inclination towards evil, so that he might be completely converted to the reception of the habits of virtue. And he achieved this with constant effort; he had

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changed so much that he seemed to be "the most sweet and humble child," but at the same time, he was always quick and, although he retained the mark of his nature, he always acted most wisely in all things. "She was of a lively, ready, and very expansive character, but at the same time, she was thoughtful and always gave much wisdom, carefully considering everything." She often distracted the mind with rumors, and especially the words of women, which are often rash. This she saw, and for the sake of her own soul, she avoided it: therefore, she was always "attentive to the use of words." For she knew that loquacity invites other sins, and she was very careful about lying. And it is worthy of much admiration and deserves the highest praise that Michael eloquently explained her thoughts and the nature of all things to those with whom she spoke. She did not keep silence out of shrewdness or cunning, but rather out of prudence, so that her words might serve, and to firmly restrain all thoughts so that they might not bring harm to the soul. Moreover, it is wise to lead time correctly, to always transfer it to some good, so that one might live as if one were always to be admonished. But the Servant of God was very sparing of her time, and she often used a proverb: "Idleness is the mother of all vices, and unoccupied time is full of temptations." She strove to turn every hour and every moment to profit. If anyone came to greet her, she would not allow herself to be drawn away from this duty, lest she waste time, but would...

[*Latin ed. p. 211*]

From the Rule, chapter 211: He was accustomed to draw flowers or weave them. When visitations were prolonged, and for the sake of fulfilling the duties of humanity and of the community, and for the sake of various tasks, he would ask for permission to be excused from the meetings. Whenever he had free time, he practiced cooking, swept the floor, and otherwise attended to the needs of the house, so that his actions might proceed with order. In those matters which concerned the attainment of eternal life, not even the smallest moment was wasted, but he devoted himself with fervor to prayer and heavenly things. Thus, he had arranged the hours of the day and night so that they might best serve the tasks at hand. He established a Sodality and was most concerned to instruct the Servants of God, and he warned them, saying, "Many people, through a lack of method in the distribution of time, always arrive late... and lose precious moments, for which they must give account to the Lord." He explained how much evil idleness brings to men, and therefore, in the regulations of the Sodality, he took the greatest care that every hour of the day, and every hour of the night, should be filled with diligent occupations. Not even the smallest moment of idleness was tolerated; instead, they were ordered to make sacred vestments or to draw flax, which would be suitable for healing the wounds of the sick in the infirmary. These things, as we

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have already said, he himself exemplified, so that the members of the Sodality might marvel that a woman, burdened with so many cares, accomplished everything perfectly, just as if she had dedicated her whole mind to it. It is a praiseworthy thing that is found in the sacred Scriptures, that Tobias said to his son: "Bless God at all times: and desire of him to direct thy ways, and that all thy counsels may abide in him." The Servant of God never undertook anything without first consulting God through prayer. "She did not take a single step without first consulting principally with God through prayer and the practice of spiritual exercises, and she did not proceed to act until she was persuaded by these means, or by the advice of her spiritual directors, that this was the will of God." And she did not pray for a prosperous outcome, so that she might then indulge in foolish opinions and vain delights. For nothing was ever done without being joined to divine glory.

[*Latin ed. p. 212*]

212 FROM S. C. RITUUM: What matters of the greatest importance, requiring much deliberation and thought, were to be addressed, it was decided that in all houses of the Sodality, novenas of prayers should be instituted for the public adoration of the Divine Host. All these things, which were so pleasing to God, were undertaken with such zeal that they yielded to the promptings of the spirit. We have already said that the priests, as interpreters of God, were accustomed to venerate Saint Michael. And since men, by reason of their gravity, learning, and prudence, are superior to others, their counsel ought to be sought, according to that saying: "Seek counsel from the wise." From among these, she chose those who were most distinguished by their doctrine and sanctity as guides for her, and especially Father Claret of the Society of Jesus, who was renowned for his sanctity among all. Therefore, she arranged all aspects of her life, both those pertaining to the soul and those pertaining to the body, according to his judgment and guidance. She did not follow his counsel merely to indulge her own desires and inclinations, but even in matters that her heart abhorred, she carried them out with such diligence. There are those who, according to their own judgment, choose pious works and bodily mortifications. Saint Michael, even in matters of piety, was guided by the counsel of her superiors, as if she considered their instructions to be divine commands! The founding of the Sodality required much consultation. She carefully considered all matters slowly and with the help of others, and she never undertook anything without the due permission of the superiors. Such prudence, which she demonstrated in the governance of herself, was also emulated by others to a great degree. Indeed, to govern the will of others, to bend them to her purpose, was a skill that the Servant of God possessed above all others, for she could easily win over even those who were most resistant or who abhorred such things. The Sodality was gov-

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erned with "the strictest observance of divine precepts, and she was very careful not to offend our Lord God." She zealously promoted the growth of love for discipline. Above all, she encouraged the members of the Sodality to choose moderators with great prudence, under whose guidance they might increase their pursuit of a more perfect life each day. She herself, as far as it was within her power, either kept vigil at night or diligently observed the members or students to ensure that they did not abuse their privileges, for she knew that she would have to answer to God.

[*Latin ed. p. 213*]

From the Sacred Ritual, number 215, it is clear that she acted in this manner, and this was evident. Although corrections were sometimes necessary, she never spared the rod of charity; for the fault-finders deserved the rebuke as a medicine for their vice. But although she might have expressed anger – "Be angry, and do not sin" – she never approached corrections with anger, but "treated them all with maternal love. No one felt anger; on the contrary... she was always affable and courteous; her words were carefully chosen; her demeanor was measured." She maintained a certain martial ardor (if I may say so) in her gaze; yet, with a look of disdain and gravity, she restrained the unruly students. What is more, because she had been attentive to their needs, and had acted with the utmost charity, she would immediately seek forgiveness, or would kiss the feet of the Sisters. Thus, she admonished the Sisters about their faults, in order to lead by example! It is of the greatest importance for those who are in charge of Sodalities that they follow all with love, so that no divisions arise. This was perfectly accomplished by the Handmaid of God, and if she had not done so, many evils would have been avoided, because the students were of varied talents and were, shall we say, lively in spirit. However, this did not prevent her from considering the different ages of the students in her various endeavors. Indeed, she did not rely solely on preconceived notions of education; but she kept track of the number of students, investigated their talents, and discerned the nature of each one. Truly, she was the sweetest of mothers. For "she adapted to all ages, to all characters, to the habits of each one, even to their... tastes and whims, so that they would not be contrary to good order, to proper conduct, and to holy discipline." From this, she easily won the love of all: "they obeyed her as if she were a queen, and they treated her with confidence, as if she were an equal"; and this is of the greatest importance, because this virtue is restrained by both fear and love. Given these circumstances, she was renowned as an outstanding example of prudence, and people from all walks of life frequently came to seek her counsel on matters concerning the soul. The Queen of Spain often consulted her, and often wished to remain with her in private. After receiving her advice, she was refreshed, and prepared herself with a renewed spirit to undertake her duties. Not only the Queen, but all who cultivated piety in the court, sought

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her counsel on matters of prudence.

[*Latin ed. p. 214*]

214. EX S. C. RITUUM etiam, qui magis dignitate ac sapientia praestaret, plurimi Michael aefaciebant consilia et omnes, prospero eventu, consiliorum excellentiam senserunt. Hinc iure meritoque eius prudentia quasi divinitus data, non naturae praesidiis comparata, celebrabatur. Porro ex coelesti instinctu talis prudentia repetenda erat, quae ab omni versutia abhorruit. Veritatis cultrix, fraudibus inimica, aperta in omnibus erat ut probe illud Christi Dei Servi aptaret, serpentis prudentiam, columbae simplicitatem procul esse assequutam. De Heroica Justitia. Quae animi affectio suum cuique tribuit, eam justitiam appellant. Omnium virtutum veluti compendium est, ex quo omnes viri dicuntur. Eidem enim adjunctas sunt religio, pietas, in rebus fide, in moderatione animadvertendi lenitas, amicitia in benevolentia, in bene faciendo liberalitas, in subditos comitas, quaeque sunt generis eiusdem. Erga Deum primum omnia officia Michael religiosissime implevit. A teneris annis usque ad obitum amori abhorruit. Sacra mysteria saepe, saepius obibat et a mundano strepitu aliena, contemplationerum coelestium et precibus, Deo mira dulcedine, iungebatur. Divina et ecclesiastica praecepta omnino servavit: in quo ad miraculum eluxit. Eam regularis observantia rationem tenuit, quam omnes laudibus probarent, ideoque sodales ex eius exemplo suscipere suadebant. Quae communiter peragenda erant, ipsa omnium solertissima implebat. Interdum vero, si quando, gravissimi ponderis negotiis impedita, ad communes preces aut ad mensam diutius remoraretur adventum, genibus flexa osculabatur solum, ne sodales exemplo eius offenderentur. Ut paucis praecidam, exemplar refulsit in omnibus: "era un perfetto modello di osservanza religiosa, la meraviglia di tutte". Saepere colens animo quanta sit Dei bonitas ac liberalitas in genus humanum, hinc occasionem nanciscebatur ut accipiebenefficagratamemoria et verbis officiosissimis prosequeretur. "Manifestava la sua gratitudine verso Dio, ringraziandolo costantemente dei favori che le concedeva e pregando ardentemente i suoi amici che ringraziassero pure il Signore per questo motivo". Hinc Dei gloriam unice quaerere provocavit.

[*Latin ed. p. 215*]

From the Sacred Ritual, 215, it is known that all, even the smallest, offenses against the parts of justice must be removed; hence, remembering this, she said: "The zeal for your house has consumed me, lest I should ever fail to observe its laws." Hence, obedience flowed forth, so that all, especially the most august Father of God, were treated with reverence. Even in those matters concerning the Church and its most august President, as well as all others who are superior in dignity, Saint Michael was most attentive. The Catholic Church considered her a most obedient daughter, and

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her name was a source of honor and joy. The sorrowful days that shone upon the Apostolic See during this most turbulent age greatly afflicted the soul of the Handmaid of God. And when she saw the Supreme Roman Pontiff, with sacrilegious audacity, removed from his rightful seat, in which divine Providence had placed him, it was a cause of great sorrow. When the Queen of Spain, who had won the favor of men, consented to this violation, which she had never seen to be so unjust, she broke all family customs (completely fulfilling the office of charity). Furthermore, she showed the same obedience to all prelates, offering them kind assistance in their councils, and always strove to fulfill their wishes perfectly, saying, "It is impossible that I should ever be deceived, now that I have entered upon this path." Finally, she honored all priests, as ministers of God, and demanded the same from her companions and students. And because the Divine Gospel most wisely says, "Render unto Caesar that which is Caesar's," she never relinquished her obedience to civil laws. She reverently honored those who governed the republic, and accepted their commands, even if they were not pleasing to her, always hoping that God would make a way for her to fulfill them. She fulfilled the duties entrusted to her in the management of the Institute with the utmost piety. She vigilantly watched over her companions to ensure that they perfectly observed the laws of the College, and that the discipline of the Institute would not decline. Often, she secretly observed the students through the windows, and sometimes, dressed in plain clothes, she walked around the house. She came unexpectedly and unawares among the companions. For this reason, the Rule was called "living." And she did not spare the rod for any offense, but rather, even the smallest infraction of the rules was severely reprimanded. For this reason,

[*Latin ed. p. 216*]

216 FROM the Sacred Ritual, it was her will that all her pupils, both secular and religious, should be perfectly formed in every respect and partake of all virtues. Truly, the vindication of what is most fitting is a difficult part of justice. Let the vigor of justice always be firm, this is the precept of Saint Bernard. However, Saint Joan of Arc restrained her ardent nature and maintained that golden mean in her diocese, which, according to Tully, is the innermost and most solid foundation. Therefore, although she severely rebuked the erring, she never yielded to anger. She balanced the reasons of the members and the pupils, and granted no favor to one over another. "She always treated all her daughters, just like pupils in a college, with equality, without favoring some more than others." Moreover, the badge, by which Saint Joan of Arc's Sodality was distinguished from others, was precisely what ensured that all the pupils were treated equally. If anyone was favored, it was those who were poorer and of lower status. While adhering to this principle, she knew that "injustice incurs sin, but tempered justice makes perfect," and she assigned rewards and punishments according to

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merit; "she rewarded with gentleness the good deeds of those who behaved well." She vehemently rebuked "the disobedient, until she corrected them, if they did not mend their ways." Such was her justice; therefore, she would never injure those who were near her, nor would she detract from the good reputation of others. She concealed the faults of others with maternal charity, and she would never utter a harsh word against anyone in the presence of others. She preferred to honor the righteous rather than to condemn the wicked. - In order to indulge herself and her studies, she never allowed anyone to suffer any harm. Above all, she strove to ensure that all aspects of justice were complete, and although she was engaged in many things, she always sought the best course of action. "For nothing that is joined with justice can please God, whose most provident councils are governed by justice and equity." She expressed her gratitude to those who gave her gifts and wrote to her. She was kind to all, especially to those whom she thought had done her an injustice. Moreover, she did not seek what was just, but what was most just: "she always directed her actions to do what she believed to be most just and equitable." Even the house, which she had received from the King, where she could comfortably accommodate her pupils, she refused. For she knew, from the records, that it had been the testator's intention to dedicate that house to another institution.

[*Latin ed. p. 217*]

From the Sacred Rituals, section 217: What more can be said? She possessed a spirit more mortified than even the smallest act of justice could suggest. Therefore, it must be said that the Handmaid of God was perfectly virtuous, and that she desired justice above all things. Concerning Heroic Temperance. In order to restrain her desires and govern her movements, which are the very essence of temperance, the Handmaid of God exerted herself so much that a miracle in this virtue was achieved by Michael. For that Apostle had declared: "I chastise my body and bring it into subjection." She pursued this with all her strength. Therefore, in order that all her actions might be subject to reason and as if under her dominion, she waged a fierce war against her body, and she cruelly scourged it with the most severe flails. But to express in words what instruments of torture the Handmaid of God endured is not easily done; for there were countless instruments of every kind, "among which were whips with three or four lashes, and seven or eight scourges of diverse forms: one, an image of the Most Holy [Sacrament], that is, a scourge made of iron, with small pins, which were placed upon her bare flesh." And if you desire more, then there was first the scourge, to which were added chains "from which hung various iron wires twisted together, and from these, a kind of stars made of iron, also with sharp points, resembling those of spurs." And then there was another, which, resembling a collar, was applied to the shoulders, to which were inserted the most severe thorns. It is not to be said that all of

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these things that the Handmaid of God endured were superfluous, or that the furniture of her piety was displayed. For, while she lived, she carefully concealed them; but as for how much she used them, documents attest, which were often excited by the flails, and from which she emitted blood. On certain days, when she went to the temple at night with her companions, in order that, according to the laws of the Institute, she might perform the necessary penances for the mortification of her body, she so cruelly scourged herself that the blood flowing from her not only stained the floor, but also the walls and the nearby companions. But such a great suffering afflicted her, and with such force, that witnesses testify: "it was frightening to be near her; I was terrified." On another occasion, some of her companions unexpectedly entered her room and found her cruelly wounding herself, the floor stained with blood, and her clothes soaked in it. The Handmaid of God also endured floggings on her legs, the marks of which were clearly imprinted.

[*Latin ed. p. 218*]

218 FROM THE HOLY FATHER'S LIFE. Sometimes, she bound her waist with a rough undergarment and a very tight bodice, causing such pain that tears were involuntarily drawn from her eyes. And every Saturday, in order to recall the sufferings of Christ, she endured a more difficult and severe form of penance. What more need be said? Often, when she was still a girl, and possessed of great innocence, she would order her servants to cut her fingers with tongs, and to pull out her fingernails with force. Her spirit, however, did not yield to the pain; indeed, she demanded nothing less. The girl, astonished, asked if she could not alleviate the suffering. "Not at all," the Saint replied (May God preserve her); "on the contrary, I insist that you repeat this, again and again." Sometimes, she would also rub her back and legs with a rough cloth from Asperen. Even the Saint herself, though weary from these trials, did not relent, and the girl, though her flesh was weakened, persevered. The witness then added: "Only a creature who lives for God and for God alone is capable of mortifying her body so severely and painfully, as she did." With such severity in the treatment of her body, it was easy for the Saint to overcome the temptations of gluttony, so much so that she was not only exceedingly sober, but also most abstemious. Indeed, she abhorred exquisite foods, and never partook of them. She used only the coarsest food, consisting of eight ounces of vegetables; and if anything slightly more palatable was offered to her, she would spoil it with salt. Or, if she was suffering from illness, she sought out the worst foods. If more delicate dishes were brought to her, she would send them to the infirmary. She never took anything outside of the dining room. She used such a meager and thin diet that, to the astonishment of everyone, it seemed more to promote death than to sustain life. She abstained entirely from wine and intoxicating drinks, following the example of John the Baptist; and

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she would sometimes drink water that was repugnant to the taste. She did not merely observe the ecclesiastical fasts prescribed by law, but practiced fasting every day. She also kept her travels extremely strict. All these kinds of suffering, under the guidance of her spiritual director, Father Claret, she never relinquished, but rather increased them day by day. Her body, worn out by labor and torments, exhausted by abstinence, and even deprived of sleep, she allowed herself only three or four hours of sleep, and that under conditions that were most uncomfortable, as everyone can attest. She used to lie on a bed with broken reeds, which she did not change even in her last days. Thus, she could never truly rest, always mindful of that watchfulness.

[*Latin ed. p. 219*]

From the Sacred Ritual, 219, and she prayed; if anything took up the greater part of the night, it was through vigils and prayer. Finally, she endured the most extreme cold and other hardships; she was not moved by any season; whether it was a freezing winter or a scorching sun, she always wanted to wear the same clothes. As we have already said, she was remarkably restrained in her speech, and she loved silence; she used only a few and necessary words; she detested idle chatter, and before speaking, she carefully considered her words with prolonged thought. She was so careful to observe silence that she made it a habit to keep silent on certain days (namely, Fridays and Saturdays), so that not a single word would be spoken on those days, and she ordered that the cross be chalked on the door. And so that her mind would not be distracted by vain thoughts, she severely guarded her eyes, either lowering them to the ground or raising them to heaven. And because gentleness and temperance are virtues, she restrained the impulses of her mind with firm and moderate control. We have already said that she was endowed with a sharp nature, and therefore she was very easily irritated. But she was always so composed, and so restrained her emotions, that she was never carried away by anger. Thus, she became the mildest of all, through the restraint of her powers. She clearly attained the principal virtue, and that ornament of life, and modesty, and all tranquility of mind and of things, which Cicero so greatly praises in his books. Concerning Heroic Poverty. It is perhaps easy, or perhaps not difficult, to perish without any possessions, and without being attached to the love of riches; but to abound in the things that, like sparks, pierce the soul, and to remain unmoved by them, and even to descend from the highest position of nobility, to reject, despise, and scorn riches and honors, is a deed that is more pleasing to Christ, who strongly commended poverty both by word and by example. From the day that Michaelina pronounced her vow of poverty, she always wanted to relinquish everything that she considered to be her own, and she also urged her companions to do the same with all their hearts. Having embraced poverty with a high and upright spirit, she revered it as a most beloved mother, and she commanded

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all her possessions to be ruled over as a queen. She scorned honors, worldly splendor; she exchanged luxurious and noble garments for a humble and coarse habit, or even for something less.

[*Latin ed. p. 220*]

220 FROM THE SACRED RITUALS, she endeavored that there might be a community among herself and her companions, even in matters of clothing. And although her nature recoiled from it, she did not hesitate to sometimes wear coarse, foul-smelling garments, following the example of those who excelled in this virtue. From this, she enumerated the love of poverty among others – even in the smallest things. How rigid the Handmaid of Good was in observing what we have mentioned, is easily apparent. The very room was a true dwelling of poverty; it was fittingly furnished with the most meager things; the poorest bed was made of straw; the table, the seats, and finally, everything, although it maintained necessary cleanliness, were the surest proof of this virtue. Having established her own life according to the example of Christ, the Handmaid of God diligently and earnestly strove to reach the very pinnacle of poverty; and she attained this with the utmost zeal. Indeed, because she always kept before her eyes the fact that Christ had renounced all worldly possessions, she loved the poor exceedingly, and fostered them with maternal charity. She did not hesitate to spend long hours with them, to instruct them in the precepts of Christian wisdom, to encourage them, and to comfort them, but rather she considered it the most important part of her ministry. And in this, she shone as an example to others, because she descended to a new kind of charity towards the poor, with which many, by nature, are averse. For she did not hesitate to associate with abandoned girls, who are the disgrace of men and the abomination of the people, in order to lead them to virtue; and in order to help them, she herself became poor, offering them hospitality and all necessary assistance. Thus, those who cultivate poverty, though they may be considered foolish by the words of men, are, according to this age-old wisdom, worthy to contend for heavenly glory. For again, the poor are called blessed; but the wisdom of this world is foolishness with God. Concerning Heroic Chastity. Men become like angels through chastity, and therefore they should strive with all their might to preserve purity and continence, and to keep themselves "Having therefore these promises, dearly beloved, let us cleanse ourselves from all defilement of the flesh and of the spirit, perfecting sanctification in the fear of God." For when the body is violated, which is the temple of the Holy Spirit, the Spirit itself is cast out, and those who violate it are devoted to dire lamentations. — Above all, it is evident that the virtue of chastity is more important among certain classes

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of men.

[*Latin ed. p. 221*]

From the Sacred Rules, 22, it is clear that she held the most beautiful and divinely inspired purpose of virginity with holy reverence. Indeed, she, the Servant of God, burned with the desire to dedicate her years of virginity to God! In order to preserve her integrity inviolate, she was not only always most modest and refreshed herself with the company of angels, but she even rejected honorable offers of marriage, determined to enter a religious institute among the sacred virgins. Wherever she felt the divine call to found a Sodality, she wished to fortify her mind and soul with greater defenses, with God's help. Furthermore, since the spirit of fornication, which is the most bitter of all vices and rages throughout the world, had to be combated, she armed herself with the weapons of chastity, lest she be overwhelmed by the enemy in the battle. She was an angel in her integrity, comparable to Saint Aloysius, whom she venerated with exceptional piety. She had most restrained eyes, through which the soul is most inflamed with lust; she avoided idleness, through which men readily fall into the sin of impurity; she kept her stomach, which, when filled and satisfied, breeds lust, under control; she silenced her tongue, through which, as if with a certain face, men are vehemently incited to unchastity, and she never uttered anything indecent from her mouth; she closed her ears so that they might not hear anything impure or profane, completely shutting out even the occasions for impropriety that Saint Michael himself might present! Finally, she kept all her senses and all her mental faculties under constant guard and vigilance! Whatever could have opposed this virtue, she pursued with manifest hatred, and she applied all her diligence so that the members of the Sodality might shine as an example of chastity above all others. And since frequent use of Confession and the Eucharist, as well as constant and heartfelt prayers to God, joined with fasting, are most effective in suppressing the power of impurity, she not only used all these aids herself, but she also took care that the members would use them as well. Therefore, do not be surprised if she has never experienced the impulse of impurity; if she has never felt the fire of lust, nor any urging or temptation of the flesh. Moreover, she displayed a remarkable gravity and modesty in her words, her gestures, and her entire bearing. "All her actions radiated the most brilliant purity; in her composure, in the way she looked, walked, and spoke, there was an aura..."

[*Latin ed. p. 222*]

222 FROM the most sacred rite, a mirror in which the entire community was contemplated. Having surpassed the condition of human nature, still living towards heaven, (so to speak), she was enrolled in the order of Angels. Because these things were so, Michael gave her lilies full-blown, which

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also excelled in a singular and powerful example of chastity, and brought back to us, in this dark earthly place, the splendor and amplitude of heaven. For chastity alone, as St. Bernard teaches, in this mortal place and time, represents a certain state of immortality. Concerning Heroic Obedience. Christ gave a most excellent example of obedience to His disciples, who humbled Himself, becoming obedient even unto death, even the death of the Cross. But from this, He derived all glory and honor for Himself. Indeed, this was the most powerful reason why God exalted Him and gave Him the name that is above every name. Therefore, Michael, who had already begun to follow in the footsteps of Jesus Christ, perfectly fulfilled the duty of obedience. As a young woman, she readily showed obedience to her parents. Orphaned, she nevertheless deferred to the judgment of her brother, and followed him everywhere. She was also devoted to her brother, and was devoted to him with all diligence. After the sodality was founded, she diligently strived to attain this virtue. For, by the authority of wise men, she had been entrusted with governing the sodality, and she sought to be such an example that the members would follow her. She accomplished this marvelously. Indeed, she followed the discipline of the sodality with such diligence and constancy that, under no circumstances, did she ever wish to deviate from it, but was always most observant, even in the smallest matters. "The Watch of the Observance of the Rules." For she would not close the doors of her house, lest the office of obedience be violated; and she strove with all her might to teach the members that obedience and charity are the very foundation of the sodality; and that, if these were removed, the entire edifice would be torn down from its foundations. But because industry is a virtue, and she discovered countless ways to exercise herself, she also learned to obey, even though she held authority. Indeed, she often asked the members for their opinions, and readily followed them.

[*Latin ed. p. 223*]

Furthermore, the Roman Pontiff was held in singular veneration, and it was taught that obedience should be rendered to him, since he represents the very person of Christ. He showed the same sense of obedience to all prelates and priests, and he wished to suspend all his activities. And because "he who wishes to be a leader must despise his own self; for he does not need a demon tempting him, because he has become a demon to himself," he readily obeyed, especially Father Claret, who frequently came to him, and he did not allow any difficulty, even of death, to move him. Indeed, he accepted all commands without complaint, and he even drank a Mexican potion prepared by him, although he felt that it was neither healthy nor safe. He was forced to lie down, but after a few days he recovered. He was glad, however, that he had rightly obeyed. He meditated on the words of God, and he kept in his heart: "Keep thy foot, when thou goest into the house of God, and draw nigh to hear. For much better is obedience,

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than the victims of fools, who know not what evil they do."

Concerning Heroic Humility. The virtue of humility, which was indeed unknown to the pagans, who strove to display arrogance in all things, and who, by the very name of humility, were lacking, is therefore the humility of Christians, which has been proven by the example and words of Christ, in which the very foundation of all wisdom and perfection consists. What humility wishes for those who look to it is open: for it refers to God all things that they possess, whether acquired by nature or obtained by labor. Michael tempered his actions with such humility that everything seemed to have a beautiful appearance. Nothing was considered contemptible by him. He considered himself the most wicked of all those who live on earth, and worthy to be consumed by the eternal fire. He attributed to God all the good works he had done, even the Sodality, from which abundant fruits for the salvation of souls were gathered. He lamented the past, and that he had not responded to God's call with greater diligence, nor had he sought the salvation of souls with greater care. He sought the honor of God in all things, following the instrument of divine goodness, to which all obedience is due. The nature of his own self obsessed him, so that the work of the Sodality might be completed.

[*Latin ed. p. 224*]

224 FROM THE LIFE [OF SAINT IGNATIUS] He had received and accumulated many tokens of esteem and affection from all, and was held in high regard by everyone. However, he did not boast of great or marvelous things about himself. Rather, as his reputation and the esteem of others grew, he became all the more humble and sought to diminish himself entirely. He spoke prudently and humbly, and only when asked about his affairs, and he would immediately add: "May Our Lord correct me if I have said anything wrong, and may He transform any evil that my words might have caused, given the dispositions that are necessary for the good functioning of the House." If anyone were to praise him imprudently, he would blush and, with a sorrowful expression, reject the praise as if it were not due to him. He gave these admonitions: "Do not use praise as a means to captivate souls, for it leads them more to the world than to the laws of Christ, conforming their thoughts and actions to worldly things." Also: "If anyone is affected by the praise of men, he will pay a high price for it; he can expect nothing more than to lose what he has left to expect from God." He approached the royal court as a servant, and although he was gracious with the queen and the king, and held great authority, he never sought glory or praise, but rather, he flattered himself foolishly. He always appeared as an example of humility, thereby inspiring greater admiration and goodwill in others! Truly, there is nothing impure except that which is fleeting, transient, unstable, empty, and quickly perishes. He was completely devoted to God and never allowed himself to be drawn away by worldly things.

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He bravely rejected worldly pleasures, which delight the minds of women, and he called them "vanities of the world." He exchanged the precious garments that the matrons of the royal court were accustomed to wear for the simple habit of his confraternity, saying: "It is better to be a simple sister in the House of God than a high-ranking person in the palace." And once, when someone tried to entice him with a beautiful shoe and to strip him of his ornaments, he said: "What good are these pomp and vanities if they lead to the loss of your soul? Abandon the deceitful world and renounce everything that will not make you happy." And even when he felt himself to be at the very end, he always sought the innermost place for himself. He chose a dark cell, narrow, furnished with humble furnishings, in which to live most uncomfortably! And the most menial tasks were those that he delighted in performing. He swept the floors, cleaned the pails, served in the kitchen, cleaned the latrines, and performed other tasks of this kind, by which he became even more...

[*Latin ed. p. 225*]

From the Sacred Ritual, 225, we recall that she had always considered these things as a most important part of her duty. But the illustrious and splendid humility of the Handmaid of God shone forth even more; it was this that made the Sodality and the Institute always appear as if they were composed of the lowest members. She never took anything for herself, but rather, she proclaimed the Sodality with glorious words! Considering herself utterly unfit for any task, she praised the works of the Sodality and said, "I will not do anything, for the Mother of Jesus will do everything better than I." And then, even as she was nearing death in Valencia, to those who were discouraging her from undertaking a certain plan, she said, "I have thirty daughters; I will not leave them." She never displayed any arrogance of authority. Although born of a noble family, she descended to be with the lower classes, as if she were equal to them, and she always appeared to the students as a sister. She asked for forgiveness from those she might have offended, even in the smallest matters, and she was indulgent in the opinions of others, in those things where freedom of action was allowed. She also instructed her Sodality members: she herself performed the corporal penances that the college students had promised to perform. And as a still more outstanding example of humility, on solemn days, she would, like a servant, prepare the food and serve it to the Sodality members and students. Furthermore, on the mournful fifth day of the week, she customarily washed and kissed the feet of twelve students each year, according to a pious custom. This is indeed a most humble work, truly the work of Christ, which excels supremely in exciting virtue. - Furthermore, to conclude briefly, she preferred to be among the poor rather than among the wealthy. - As if lacking in counsel, she submitted to the advice of the moderators, so that she might better study the divine will. Although she

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might have had different opinions on some minor matters concerning the Institute, she always yielded with a generous spirit, and she never doubted. From this, they were amazed, and said, "This Lady, despite the vivacity of her character, is more humble than anyone else would be." With these qualities, the Most Holy Virgin Saint Michael, while she was still living, was praised by all. "For pride follows humility, and a humble spirit will receive glory." Acts, Vol. XXXV, page 412, 15.

[*Latin ed. p. 226*]

226 FROM THE SACRED RULES, Concerning Supernatural Gifts. O God, wondrous in Your works, who sanctify even the most humble! For they, in some way, partake of the divine nature and are endowed with heavenly gifts, looking towards the salvation of others. Although, if this most virtuous woman had wished to conceal her extraordinary gifts from all by every means, the Blessed Virgin Mary was marvelously adorned with divine grace, and therefore was most powerful in word and deed. For the hidden things, which cannot be investigated by the human mind, were explored and revealed to the handmaid of God. Often, separated from her companions and students by a great distance, she appeared to them as if present, saw their needs, and rebuked them, astonishing them. Thus, she detected the sacrilegious confession of some young girls and sent them to receive the Sacrament properly. - A certain wealthy and cruel man had lost a large sum of money, which he had entrusted to a railway company. He was consoled by the handmaid of God, who assured him that he would certainly recover the money. Shortly afterwards, a certain unknown person returned the money to him, and immediately disappeared. - Once, a young girl came to her, whom she had never seen before, ostensibly for a reason of service, and the handmaid of God kissed her hand. This was the most wicked act, as it turned out, and she immediately perceived it. Thus, she also saw a glass of water that was not blessed, placed in a sacred vessel, and ordered it to be changed. She was brought before the Most Holy Virgin, and, being pressed by financial difficulties, she had been about to dismiss some of her students. However, she had not revealed this to anyone. At that very moment, the handmaid of God warned her in a letter not to dismiss any of her students for lack of funds. On another occasion, when all the members of the Sodality were praying in the domestic chapel, suddenly the handmaid of God (who was present at the time) learned of a fire that had begun to consume another part of the house, from a great distance. Moreover, she foresaw many things that were hidden in the mists of the future, things that would not be pleasant! There was a certain member of the Sodality, to whom the most excellent virtues had rightly earned the highest esteem among all. However, the handmaid of God foresaw that she would leave the Institute soon, and this event was confirmed by its own course. - A young girl, of honest character, was in

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love with a certain man, and she hoped to be joined to him in marriage. The handmaid of God revealed to her what would happen in the future concerning the impending marriage, and also foretold the hardships that the girl would endure. - From the depths of her soul...

[*Latin ed. p. 227*]

From the Sacred Ritual, number 227, a certain Sister was afflicted with a malady. This Sister, who had given her name to the Institute, had left her home at a tender age, an orphan without a mother. The Sister of God, having perceived her distress, had been most kind and tranquil in her demeanor. Indeed, the Sister had foretold that this very Sister would, at some time, also be sanctified within the same Institute. And so it came to pass. Moreover, she possessed the gift of healing. Henry Diaz-Canedo had lost the use of his sight, which, despite all efforts, he could not regain. He made a vow to the Sister of God, and he was healed. Furthermore, she had a certain power over the elements. While traveling by carriage towards Manresa, in order to visit the crypt of Saint Ignatius with a pious desire, a certain noblewoman accompanied her. Suddenly, a torrential rain with thunder and lightning interrupted their journey. But the Sister of God, as if foreseeing this, announced a serene sky. And this happened unexpectedly and most providentially. Moreover, the divine Providence was entirely with her in her presence. For, on one occasion, when she had received a gift of a small purse, which she intended to use for pious purposes, she found it filled with silver coins. And because she was a most devoted devotee of the Holy Eucharist, it was fitting that the surest sign of her love for Christ should be revealed. Often, when she was praying before the Divine Sacrament, she saw the door of the tabernacle open spontaneously. It was a marvel! Those present thought they were being deceived; but, upon closer inspection, they understood that this was a divine miracle. Once, while fervently praying before the image of Christ crucified, behold, the image itself closed and opened its eyes. It is not surprising that God, who had given her the gift of foretelling the fates of others, did not allow the most faithful of his servants to remain ignorant of her impending death. She foretold to the Sisters present that she would leave this life on the twenty-fourth day of the month; and this, in fact, came to pass. Looking towards the events that would occur after her death, she clearly foretold the spread of the Sodality and the entry of many Sisters, who, endowed with remarkable virtues, would glorify the Institute. Defamation of sanctity in life. Glory is always joined to virtue, and therefore, the just are esteemed for their virtues by all. Michael, while she lived, was known for her sanctity. From her very cradle, the standard of sanctity was raised high, by which...

[*Latin ed. p. 228*]

228 FROM the Sacred Rites, she had been praised, and in some way, she

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had been exalted. For she was accustomed to say: "I do not know what the plans of God's Providence are concerning Michaelina (as she called her), or what He has destined for her, because I do not see that she commits a single sin, even a venial one. She is always occupied in works of piety, both towards God and towards her neighbor. I have learned much from her; she is my true teacher." The premature praises were confirmed by her death. For all, as if she were a saint, held her in honor, and they spoke of her with this very designation. If the sanctity of a woman were to be judged by the esteem of those who support her, I believe that few could have been found who surpassed Michael in this honor and praise! All, and those most serious men of the Society of Jesus, who were confessors to God's servants, always attributed much to her sanctity. Father Cumplido, having said that very thing to her, described in detail the heavenly gifts with which she was endowed, and the bodily afflictions through which she would have to pass: which she herself did, although, because of her humility, she was reluctant. A certain virtuous priest, whom formerly in Brussels, God's servant had used as her confessor, was accustomed to preach about her sanctity. The same priest, who later received her confessions in Paris, said: "Oh, she is a saint," and he recounted her deeds. Father Carasa also felt and preached about her, although he was very sparing in his praise. But above all, the authority of Father Clareto is important, because of whose influence, the heavenly honors due to her are already being discussed among the Spanish. This Michaelina caused all the anxieties of spirit, with which she was afflicted, to disappear in the presence of God's servant, and she eagerly sought her counsel. And not only that: she sent her own clients to consult her, from whom they received the most abundant fruit. Also, because she knew very well how much benefit could be derived for the kingdom from Michaelina's custom, she ordered, with great insistence, that the queen celebrate the Mass, which was being celebrated with great solemnity: which she herself, out of obedience, performed. The queen truly felt great affection for Michaelina, and she said that she had never undertaken anything difficult that did not succeed happily and auspiciously for her, through the prayers of God's servant. Therefore, out of a certain pressing fear, she always wanted Michaelina to be present, so that she might find peace and tranquility. Every day, the queen would have God's servant brought to her in a carriage, and they would be together in the most secret chambers of the palace.

[*Latin ed. p. 229*]

With customary salutations, she greeted the petitioners, and tasted the sweetness of the sacred books. Despite the unfavorable outcome of the Sodality, she was not discouraged, and she fostered devotion to the Rosary, which the Servant of God had used during her lifetime, and she carried it with religious reverence. Furthermore, the Cardinal Fathers, numerous

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Bishops, and other most distinguished men, perceived the remarkable sanctity of Saint Michael. Among these were Cardinal Cuesta, the Archbishop of Saint James, the Bishop of Iuseo in Salamanca, Arciniega of Mondonedo, Lluch of the Fortunate Islands, and Crespo of Toledo, who all "had a high opinion" of her virtues. The Bishop of Avila proclaimed the Servant of God, Saint Theresa, as a model, and he could not deny: "You are young; you will see her on the altars." Nor did he hesitate to consult her on the most serious matters concerning the diocese, "because he had clear evidence of the sanctity of her life, drawn from her intimate relationship with the Lord." He called her "his Cirene." What more can be said? Her profound knowledge of spiritual matters made her a confidante, and her advice seemed divinely inspired, and was followed.

To all of this, we can add Cardinal Fathers from all over the world, including the Archbishop of Toledo, as well as the Bishop of Trajanopolis, Cardinal Barrio, the Archbishop of Granada, and many other citizens from every order, who are recorded in the judicial records. Let us not digress further. Most distinguished men, passing by the Servant of God on the street, either bowed their heads or kissed her hand. This led to the fact that many offered assistance to her Institute, which was growing despite the difficulties. If we say that the fame of her sanctity and the splendor of her virtue were not fabricated, but were the result of constant and excellent practice of virtue by the Servant of God, which she cultivated for a long time, then we are speaking the truth. As a woman divinely endowed with the salvation of others, the members of the Sodality, who were eternal witnesses to her virtues, said: "Oh, what a saint we have among us!" In everything she did and thought, she especially sought to bring glory to God and eternal salvation to others. Therefore, all agreed that "her virtues were not feigned, but real, and that she never committed even a venial sin." Thus, the sisters, who excelled in virtue within the Sodality, admired her most upright life and the highest peak of virtue that she had attained through constant suffering, and they clearly saw her name being written in the annals of heaven. Therefore,

[*Latin ed. p. 230*]

250. From all classes of men, pressed by necessities, they commended themselves to his prayers, because they considered that, with God, grace itself was of the greatest value. "The King of Spain, the Prelates of the Church, the respectable nobles of Castile, exemplary priests, and many other persons, when they found themselves in some difficulty, wrote to him or visited him, relating to him their temporal and spiritual needs, and beseeched him to intercede with the Divine Majesty and obtain for them the help of which they stood in need." This opinion of his sanctity did not cease with time, nor with places. It remained constant and increased day by day. No one ever opposed it. "Whoever had known the Servant of God

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proclaimed his virtues and sanctity. And even all, with one accord, held that the prayers which they offered to him were of great hope, so that he might be blessed and fortunate, and that his light might shine forth more quickly." The Servant of God was venerated both within the walls of the monastery and outside. A certain witness affirmed: "I have never seen that neither bishops, nor priests, nor religious, nor any person, were treated, nor considered with so much veneration and respect as was the Servant of God." To be brief, all the ends of Spain responded with the voice of praise: "His name was spread throughout all Spain." Indeed, a golden crown was placed upon his head, as a sign of sanctity, glory, and honor, and as a symbol of fortitude. Concerning the precious death. "For every man is destined to die, and to say 'blessed' before death, no one; and the supreme funeral rites are due to him." These are the words of the poet! Therefore, no one can be considered most blessed who, having poured out his life for the salvation of others, dies honorably, broken by evils. In the year 1865, the city of Valencia was afflicted by a grievous plague. In the month of August, a terrible pestilence, which they call the Asiatic disease, raged fiercely in the city. The bodies, exhausted, found no rest. The mind, disturbed, was filled with sorrow and fear; the brow was sad; the face was furious; the throat, parched by unquenchable thirst, was dry; the nerves were strained. The doctors prayed in silence, and many bodies were laid low with grievous funerals. Moved by these evils, the Servant of God no longer delayed, and decided to go to the Sodales, where he had received the first news, and then to the house in Valencia.

[*Latin ed. p. 231*]

On the feast day of the Transfiguration, September 11th, 1865, the Blessed Sacrament was to be venerated. "Michaela from the chapel was coming and going, her cheeks flushed with an unusual redness. Her eyes shone, and her smile was sweeter than the dawn. She had knelt before the priest, who was occupied with sacred duties, and asked for his blessing. Held back by the love of those present, she seemed hesitant about leaving, as if she wished to remain in the same place. But finally, after a brief pause, having explored the will of God and having properly prepared the Sodality, she was given permission by the priest, and it is said that she bravely embarked on her journey. But she knew the dangers that awaited her: she was met by a group of young women, who, after receiving her with kisses and embraces, quickly pushed her aside, as if she were an obstacle to their long-desired marriages. The journey, which she had begun with prayers, was filled with hardship. She encountered a distinguished man, whom she knew, who, as she passed by, offered her a ride, but she refused, knowing that death was near. She continued on her way, and although she was exhausted, the thought of the heavenly bread revived her, until she reached Valentia, where she rejected the offered

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assistance, and, after offering a prayer of thanksgiving, she was met by the members of the Sodality, who were filled with joy, just as the sun, like a sudden shower, suspends the harshness of the storm and fills the fields with water, and opens the sky. The following day, after offering fervent prayers to the Blessed Virgin and receiving the sacraments, she did not hesitate to offer her services to the Archbishop, who was suffering from a severe illness and surrounded by many misfortunes. Afterwards, upon returning home, she was met by a certain young woman, who was reported to have committed a sacrilegious crime. When the college prefect, who was ill, questioned her, she repressed the pain in her heart; but when she could no longer bear such bitterness, she went to the chapel, and there, letting go of all restraint, she gave herself over to tears. Then, she heard voices, interrupted by sobs: "They have plunged a dagger into the Heart of Jesus! If I had known that they were going to outrage Him in this way, I would never have founded it." But already, the plague had invaded the monastery. There were five members of the Sodality, all of whom were cared for by the Mother, with maternal charity. On the ninth day before September, as the sun was setting, the plague seized one of the sick. She barely entered her bed, and foreseeing her imminent death, she said to Catherine, her companion: "My daughter, lie down." "Now I suffer nothing; but shortly I will suffer intensely; but in the middle of the night, all pain will cease." Indeed, shortly after,

[*Latin ed. p. 232*]

232 From the sacred rites, a grievous illness erupted, and the hope of regaining salvation was cut off. No medical treatment seemed effective: Alice, and even she herself, faced the imminent end with tearless eyes. A priest, Father Vinadere of the Society of Jesus, a man distinguished for his piety, was present with the dying woman. Although he had already received the heavenly food that morning, he earnestly desired to sustain the departing soul with the angelic bread of the Eucharist. Therefore, having confessed all her past deeds, and eagerly anticipating the imminent reception of the divine sacrament, she said with joy, "Father, my joy is in heaven, for I cannot imagine the happiness I will feel in receiving the Most Holy Sacrament as my Viaticum." To her sister, who was preparing to administer the sacrament with due reverence, she said, "Thank you, my God! Oh, what a great favor!" Thus, strengthened with the hope of the sacred Eucharist as her Viaticum, she bore her suffering. Her body was racked with torments that she could scarcely endure; her throat burned with thirst; and spasms of nerves and a chilling tremor afflicted her limbs. Yet, despite these excruciating pains, not a single complaint ever escaped her lips. She rested completely in the divine will, allowing all to be permitted by the judgment of God. As long as she was ill, she never ceased to pray. Weakened by the heavenly food, she uttered this prayer: "Jesus, you are

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the greatest good; may your will be done; may you keep me close to you." She was always most devoted to God, and she constantly raised herself to Him with pious and fervent prayers. She delighted in invoking the sweetest names of Jesus and Mary, praying that, with increased suffering, her soul might be strengthened. Moreover, she seemed not to seek death, but rather to await the most desirable good. She gazed constantly at paradise, her eyes turned towards heaven, like an eagle fixedly gazing at the sun. Truly, a tranquility of mind shone forth from her, and one would believe that the dying woman's cell had already become a school of virtue and a dwelling of joy. Therefore, those who were present were deeply moved, and they lamented her holy death amidst their tears. — As she felt the supreme hour approaching, she desired to receive the last unction.

[*Latin ed. p. 233*]

EX S. C. RITUUM 235: Ungi, et multae aliae demonstrationes pietatis, erant illi sacramento, cum precibus, quas Sacerdos recitabat, ille certissima voce respondit. Petiit etiam benedictionem lustrari, quae in ipso vestigio mortis, ex benignitate Ecclesiae concedi solet, et eam venerabunde recepit. — Vota quae nuncupabat, instaurare voluit; at et tum ipsa haec extrema morientis desideria fuerunt ut designata Sodalis, quae, sedemortua, summum Instituti obtinuisset imperium, Toletano Praesuli commendaretur, et Sodalitium ipsum in clientelam B. Mariae Virginis Karmelitae disciperetur. Interea paulatim corporis atterebantur vires: mentis vero semper compos fuit, et Iesum et Deiparam eodem debiliori invocabat prece, donec, mediam fere sub noctem, oculis quasi ad somnum compositis, animam Deo placidissime efflavit. — P. Vinader, qui aderat, inquit: "Sic moriuntur iusti." Ubi mors nuncium pervagari coepit, quamvis animam metu saevientismorbi perciti essent, civitas, nedica, Hispania veluti essibus commoverit visa est. Fiebant Sodales et alumnae dulcissima oratae, certas pectore erectae ut caelis rec eptavolens propitiarebus adolescentis Instituti prospiceret. Questus debant pauperes, qui ad coenobii ianuam turmatim confluxerant, et liberalissimamparentem obiisse plorabant. Qui eam irriserant, quasi in insaniam prolapsam, adeo nunc eius laudes pleno ore praedicabant. Rex ipse, regina, principes, spectatissimi viri, qui, honoriscausa, in aula famulabantur, sacrorum Antistites, omnes denique, qui eam moverant, eius desiderio tacti, virtutes et insigne obitum celebrabant. Adeo ephemerides, cum pretiosum Dei Servae obitum vulgarent, sanctitatem eius publicolaudabant praeconio. Certatim vestium Michaelae quaerebantur reliquiae atque omnes fines, qua longe excurrit Hispania, mulierem sanctissimam mortuam esse hac voce resonabant. Demortua corpus, quamvis ex omni ordine civibus confluxissent, morbide bacchantiscausa, publicenonexpositum est. Mirantamen prodigia evenere. Post octo horas flexibile adhuc erat: ita compositum perinde ac si placidequiesceret. Sodales certam spemfoventes

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fore ut tandem aliquando, adiuvante Deo, coelitum honores rite Michaelae assererentur, singulari loco corpus idem condi curarunt. (sequitur)

[*Latin ed. p. 234*]

254 APOSTOLIC LETTERS: By the divine providence of Our Holy Father Leo X, Pope XIII, these letters establish a plan for promoting the study of Holy Scripture.

LEO XIII

FOR PERPETUAL REMEMBRANCE.

Vigilance and remembrance are necessary, so that we may fulfill our duty, which is to protect the deposit of faith. We have indeed, being far removed from the earthly cares that burden others, issued encyclical letters, *Providentissimus Deus*, in the year 1893, in which we undertook a comprehensive examination of many studies of Holy Scripture. For the excellent magnitude and utility of these matters demanded that we, as far as it was within Our power, consult the best authorities, especially since the progress of learning in these times opens up new, and sometimes even reckless, questions daily. Therefore, we exhort Catholic universities, especially those of religious orders, to contribute in every way possible to this cause; and we have carefully considered how these studies can be promoted in a manner that is appropriate and beneficial. And Our documents have not been in vain. It is a pleasant memory that many holy prelates and outstanding men of learning have testified to this; for the matters which we have prescribed have proven to be opportune and weighty, and they have diligently carried out Our commands. We are also grateful to remember the Catholic men who have excelled in this field, and who have been spurred on by the widespread enthusiasm for these studies.

However, we see that the causes of these problems persist, or rather, are growing worse, which is why We have decided to issue these letters. Therefore, it is necessary that these very matters be addressed more thoroughly: and this We wish to commend again and again to the diligence of Our Venerable Brothers, the Bishops. But in order that this may be accomplished more easily and thoroughly, We have now decided to add a certain new support to Our authority. For, since the divine books are explained and defended today, as they ought to be, with a great deal of knowledge, variety, and a multitude of errors, it is more important than ever that Catholic interpreters strive to do everything they can, and that their common studies be assisted and guided by the authority of the Apostolic See.

[*Latin ed. p. 235*]

APOSTOLIC LETTERS 235 of Stolica. Moreover, it seems to us that we

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can conveniently employ the same means in promoting other disciplines, as we are now doing in this matter. Therefore, it pleases us that a certain Council, or, as they say, a Commission, be established, composed of serious men, who will have the province of overseeing and ensuring that the divine word and a more thorough treatment of the matters demanded by the times are widely available among us, and that our people are not only free from any influence of errors, but also from every rash opinion. The principal seat of this Council ought to be in Rome, under the very eyes of the Supreme Pontiff, so that, as the city is the mistress and guardian of Christian wisdom, so too may this also exert its influence on the entire body of the Christian republic, promoting this most necessary doctrine and instruction. And those men from whom this Council will be formed, in order to fully fulfill their duty, which is, above all, a grave and honorable one, should have the following aims properly established. First of all, considering the current course of studies in these disciplines, they should not introduce anything foreign to their work, nor anything that recent scholarship has discovered to be new; rather, they should be eager to embrace, if the day brings forth anything useful for biblical exegesis, and to quickly adopt and convert it into common use through writing. Therefore, they should devote much effort to cultivating philology and related disciplines, and to pursuing their progress. For, since the assault on Scripture is almost always present, from there we must also seek the weapons, so that the confrontation between truth and error may be just. Similarly, effort must be made to ensure that the knowledge of ancient oriental languages, or the expertise in the most original codices, is not held in less esteem among us than among outsiders, for there is great opportunity and benefit in these studies. Furthermore, with regard to the firm assertion of the authority of Scripture, they must devote careful attention and diligence. This is especially important, so that among Catholics, that way of thinking and acting, which is certainly not to be approved, by which, namely, more weight is given to the opinions of heretics, and in which the understanding of Scripture is sought primarily through the apparatus of foreign learning, does not gain strength. Nor can any Catholic have any doubt about what we have repeatedly stated: God does not deprive doctors of their judgment.

[*Latin ed. p. 236*]

236 APOSTOLIC LETTERS have presented the Scriptures, but have entrusted to the Church the task of interpreting them; "in matters of faith and morals, pertaining to the edification of Christian doctrine, it is necessary to hold that true sense of the sacred Scriptures which the Holy Mother Church holds, and to judge about the true sense and interpretation of the sacred Scriptures; and therefore, no one ought to interpret the sacred Scriptures in such a way as to contradict this sense, or even the unanimous consent of the Fathers" (1); they possess the divine nature of the Scriptures, so that the

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laws of hermeneutics are not always able to illuminate that religious obscurity which is involved; rather, a guide divinely given is needed, namely, the Church; finally, the true sense of the divine Scriptures can never be found outside the Church, nor have those who have rejected or repudiated the authority of the Church itself ever transmitted or followed this teaching. Therefore, those who have been part of the Council should diligently take care that their vigilance over the principles is ever greater; and they should persuade, if perhaps some are unduly admiring heterodox opinions, to listen more attentively to the Church and to observe its teachings. Although it is indeed permissible for a Catholic interpreter to draw arguments from foreign authors, especially in critical matters, caution and discernment are necessary. The discipline of the art of criticism, which is useful for understanding the sentiments of the scriptors, should be cultivated by them, which we strongly approve. They should also cultivate this very faculty, when used appropriately, even in the case of heterodox opinions, which does not displease us. However, they must beware of imbibing intemperance of judgment from this custom; for it often happens that this art of criticism, as they say, of a higher order, falls into a dangerous temerity, which we have warned against more than once. Thirdly, in that part of these studies which is properly devoted to expounding the Scriptures, and which is manifestly useful to the faithful, the Council should take certain measures. As for those testimonies, of whose sense the sacred authors or the Church have authentically declared, it is scarcely necessary to say that only that interpretation can be approved which is able to be demonstrated according to the laws of sound hermeneutics. However, there are not a few matters about which, as yet, there has been no certain and defined exposition from the Church, and it is permissible for private doctors to follow that interpretation which they prefer, and to express their opinion; but in such cases, it is necessary to be aware of the dangers.

(1) Council of the Vatican, Session III, Chapter II, On Revelation.

[*Latin ed. p. 237*]

APOSTOLIC LETTERS 237: It is necessary to preserve the Catholic faith and doctrines as a norm. Indeed, great care must be taken to ensure that the ardor of debate does not transgress the bounds of mutual charity; nor should the revealed truths and divine traditions themselves appear to be called into question during the discussion. For, unless with a safe consensus of minds and with established principles, it will not be permissible to experience the great progress of this discipline through the efforts of many. Therefore, it is also our will that the Council properly moderate the most important questions among Catholic doctors, so that they may define with the light of their judgment what weight of authority to give to them. And from this will also follow the advantage that maturity may be offered to the Apostolic See, so that it may declare what must be held inviolable

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by Catholics, what must be reserved for further investigation, and what may be left to the judgment of individuals. Therefore, in order to preserve Christian truth and to promote the study of Holy Scripture, according to the laws established above, We have instituted, in this holy City, a Council or Commission through these letters. And We intend that this Council shall consist of several Cardinals of the Holy Roman Church, whom We shall choose by Our authority; and We desire that, in communion of studies and labors, We shall add to their office of Consultors, as is customary in the sacred urban Councils, some distinguished men, others of another nation, whose teachings, especially those of the Bible, are commended. The Council shall also have the duty of holding meetings, and of publishing or circulating writings, certain or preparatory, and of responding to consultations, and finally, in every way, to promote the preservation and advancement of these studies, as has been said. Whatever is decided upon by the Consultors in common shall be referred to the Supreme Pontiff; and from that, it shall be referred to the Consultors to whom the Pontiff has commanded. And so that the common labors may be provided with suitable resources, We now add a part to Our Vatican Library for this purpose; and We will soon take care to arrange there a collection of codes and volumes, and all other copies of the Bible, so that they may be readily available to the members of the Council. For their instruction and adornment, We greatly desire that the Catholics of Our time may contribute to this, either by providing more resources or by sending useful books; and thus, through this opportune service, they may please God, the Author of Scripture, and also the Church, and may devote themselves zealously.

[*Latin ed. p. 238*]

238 APOSTOLIC LETTERS. Furthermore, we are confident that, as Our endeavors are directed towards the eternal safety of the Christian faith and the salvation of souls, divine benevolence will abundantly favor them; and that, through this grace, those Catholics who are devoted to the Apostolic See in these prescriptions, which are sacred letters, will respond with absolute obedience in all matters. However, since it has been deemed necessary to establish and determine these things, we declare that all these statutes and decrees are ratified and firm, and shall remain so; notwithstanding any contrary things whatsoever. Given in Rome, at St. Peter's, under the Fisherman's ring, on the 30th of October, in the fifteenth year of Our pontificate. A. Card. MACCHI. FROM THE HOLY CONGREGATION OF THE COUNCIL, A DECREE CONCERNING THE CHORAL DISCIPLINE IN THE CITY. In these latter times, it is to be lamented that, in the collegiate churches of the City, and also in the patriarchal basilicas themselves, the choral service has gradually declined; so that, due to a deficiency in the number of suitable clerics for the recitation of the divine office and the performance of the rites, the sacred functions are often performed without

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that dignity and splendor which divine worship demands, especially in the City, which is the principal seat of the Catholic name. This has not happened for a single reason, but rather primarily because of the changed conditions of the times; and new and varied necessities have arisen daily for the Church and for the good of souls; hence, priests are often distracted in many things, and exemptions from choral service are multiplied, and sometimes, through a perverted interpretation, are extended even more than is just. To this evil, the Holy Father Leo XIII, in his paternal concern for the Roman Church above all others, addressed himself...

[*Latin ed. p. 239*]

By order of the Most Holy Council, and with apostolic solicitude, desiring that the divine cult be faithfully observed in the city, and that, as far as possible, the public and private needs be satisfied, adhering to the footsteps of its predecessors, and especially of Pius IV, Innocent XII, and Pius VII, the following is established and decreed:

1. On the 24th day of the next month of December, that is, on the eve of the Nativity of Our Lord Jesus Christ, at the first vespers, all and each indulgences, whether granted to individuals, or to institutions and pious works, or for the sake of certain offices, in whatever manner and under whatever title they may have been conceded, shall cease, notwithstanding any privileges, and shall henceforth have no value, nor shall they afford any suffrage to anyone.

2. Those who will have a legitimate reason for seeking exemptions from the choir in the future, shall apply to the Congregation of the Holy Council; to which the Most Holy Lord grants, with singular and exclusive power, to expedite these matters, so that any indulgences otherwise obtained, in any manner, even by living voice or by prayer, shall be considered as having no value, as if they were obtained fraudulently and surreptitiously.

3. Whenever the Congregation of the Holy Council requires a vote from the chapters for granting indulgences, it shall demand that the vote be expressed by secret suffrage.

4. Since, by the Motu Proprio "Cum sicut accepimus," issued by Pope Pius IV on the 12th of December, in the year 1560, all and each revenues pertaining to the chapters of patriarchal basilicas, as well as of other churches in the city, are to be divided for daily distributions, the canonical sanctions of this decree remain in full force and have been repeatedly, and especially in Valva on November 24, 1838, confirmed by the Congregation of the Holy Council, they are to be observed integrally and without exception also in the city. Therefore, any contrary custom, which may have arisen, is to be removed and abolished, and in the future, all fruits pertaining to the aforementioned chapters shall be entirely divided for daily distributions for days and hours. Whoever is absent without a legitimate reason shall forfeit all fruits, and if he has received any, he shall be held liable for resti-

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tution, saving, however, the particular constitutions, from which a greater penalty may be imposed. Whoever is absent for a legitimate reason, such as infirmity or another just cause, having been duly and properly recognized as such, shall, as if present, participate in the distributions made in the choir, as long as—

[*Latin ed. p. 240*]

240 From the Decrees of the Holy Council: The distribution [of alms] will be determined as follows: If a cleric is present in the choir, he will receive two portions, which are due to those who are present, but he will lose the third portion. However, if he is not present, he will acquire the two portions that are due to those who are absent, but he will lose the third.

To this last class of the absent belong the assistants of the Sacred Congregations, who, in order to dedicate themselves to this office, have obtained permission for absence. Therefore, they will profit from the two portions of the distribution of alms, only for the days and hours during which, by reason of their office, they are absent from the choir; but they will lose the third, as the Congregation of the Holy Council expressly stated in the case of *Dubia de Indultis* on May 6, 1820, in question 3, and confirmed, after discussion, on May 25, 1822. His Holiness revokes these solutions, and, as far as is necessary, renews and confirms them, urging each one, with due consideration, to be mindful of this matter.

6. Extraordinary distributions, which are commonly called such among those present, will never be received by anyone who is absent, unless any privilege or dispensation to the contrary is granted, as is cautioned in section [number] of the present decree, saving always the prescriptions of various founders.

7. Dispensations which are usually granted during the summer for the sake of health, will be limited to a period of one month, saving, however, the ancient privilege of the Basilica of the Lateran.

8. The privilege of the pilgrimage to Loreto for those who enjoy it is reduced to eight days; that of the pilgrimage to Jerusalem is reduced to three months. Finally, in all matters concerning which the present decree does not provide, His Holiness desires and commands that the prescriptions of the most holy Council of Trent and the resolutions of the Congregation of the Holy Council issued for the regulation of choral discipline be observed by all, with due diligence. And all these things, His Holiness has ordered to be published by this present decree of the Holy Council, and to be inviolably observed, all contrary things notwithstanding.

Given at Rome, from the Holy Council, on September 17, 1902.

VINCENTIUS CARD. EPISCOPUS PRAENESTINUS, Prefect.

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BENIAMINUS Archiep. Nazianzenus, Secretary.

[*Latin ed. p. 241*]

241 FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS OF THE CANARY ISLANDS, regarding indemnification, dated May 16, 1902. SUMMARY OF FACTS. In order to consider the education and instruction of girls in the city of Las Palmas (in the Canary Islands), in November 1891, the Bishop of the Canary Islands decreed the establishment of a college staffed by Sisters, who are called the Daughters of Christ the King, who had recently arrived in that city, along with their motherhouse in the city of Granada. In the years 1893-94, with prior Apostolic permission, a non-interest-bearing loan of 89,000 livres was contracted, partly from pious funds belonging to the diocese and the Episcopal See of the Canary Islands, and partly from the Bishop's private funds, and thus the house for the new college was purchased. This written obligation was accepted by two Sisters of the same new institute as private and secular persons, through a public instrument. The Bishop of the Canary Islands reports that, in addition to this institute, two other debts are outstanding, both contracted with prior Apostolic Indult, one for 111,471 livres, for the restoration and expansion of the college building, and the other for 48,690 livres loaned by the Bishop from his private funds, both debts incurred by the Daughters of Christ the King from their arrival in the Canary Islands until the establishment of the institute. In the year 1895, the aforementioned Sisters, with the consent of the Bishop of the Canary Islands, except for one, adopted the rule of the Third Order of St. Dominic, and on June 15 of that same year, the Bishop received their profession. This greatly displeased the Superior General and Founder of the Congregation of the Daughters of Christ the King, both because the transition to another rule had occurred without the consent of the Superior General and Founder, and because the college house, with its establishment, was...

[*Latin ed. p. 242*]

242 FROM S. C. OF BISHOPS AND REGULAR CANONS, connected and linked, or with all property, whether sacred or profane, still held by those Sisters. Therefore, serious complaints were made against the Bishop of the Canary Islands with the Holy Congregation of Bishops and Regular Canons regarding this state of affairs, which on April 15, 1899, issued the following decree: — The Sisters of the Institute of Christ the King who resided in the house of that Institute located in the diocese of the Canary Islands, and who had already professed the rule of the Third Order of Saint Dominic, are to leave in good faith; and the house is to be returned to the Institute. However, if the debt, by which the Superior of the Institute is bound to the Bishop of the Canary Islands, is paid, then the matter is reduced to equality, and that contract can be accepted in this resolution. Furthermore,

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other damages, unless otherwise repaired, are to be compensated in a manner that justice and prudence teach in the present state of affairs. — The Bishop of the Canary Islands, from the date of that resolution, interposed an appeal, submitting the following doubts: — 1. Whether the Bishop can safely retain the house, provided he pays the value of the debt, as long as the debt is not paid. 2. Whether the Bishop can prudently establish a period of time for the Superior of the Institute to pay this debt, so that, once that time has elapsed and the debt is not paid, all rights of the Superior in the house are considered extinguished. These doubts were dismissed by the following decree: — Since, from the information provided to the same Holy Congregation, it is clear that the Superior of the Daughters of Christ the King has not fulfilled the debts by which she is bound to the Bishop of the Canary Islands and to pious institutions of that diocese, and that the entire price for the purchase and expansion of the aforementioned house has been paid by the same Bishop of the Canary Islands, the case exists as foreseen in the second part of the decree of April 15, 1899, namely that she can accept that contract in this resolution. The Superior and the Founder of the Congregation of the Daughters of Christ the King refused to submit to this response, and therefore requested that the controversy be defined in a plenary session.

[*Latin ed. p. 243*]

CANARY ISLANDS. 245. The most esteemed Fathers, earnestly solicitous that the damages inflicted upon the aforementioned Congregation be repaired due to the fault of the Bishop of Canarias, have presented a concise account to the SUPERIOR GENERAL OF THE DAUGHTERS OF CHRIST. — Although, in their time, these allegations were made, they did not present proof; therefore, some matters are still under consideration. According to the Superior General, the loan contract with the Bishop of Canarias was entered into in such a way that the repayment of the borrowed sum was to be made, with established conditions, from the price of the sale of the previous house of the Institute and from the surplus remaining from the revenues of the girls' college. However, this condition or method of fulfilling the repayment, carried out by the aggregation of Sisters to the Third Order of St. Dominic by the Bishop of Canarias, proved entirely futile, because the Institute found itself in the impossibility of repaying the borrowed sum. Therefore, the aggregation of the Sisters and the occupation of the college were arbitrary, unjust, and illegal, since they were carried out without the consent of the Superior General and the Founder of the Congregation, and were also damaging to the Congregation, which must therefore be restored due to the damages suffered. Then, the General Mother proceeds as follows: "Furthermore, we demand just compensation for the following damages. I. All expenses incurred by our Institute in the establishment and operation of the Canary Islands college

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must be compensated. II. These expenses include not only the expenses of sending letters, but also the cost of transporting the Sisters, as well as everything that was spent on the education of the Sisters themselves. Among the Sisters aggregated by the Bishop to the Third Order of St. Dominic, three had obtained a public teaching certificate (one of whom was also a teacher of drawing), three were teachers of music, one of whom was proficient in the French language, three were trained in women's crafts, and the rest were assistants. III. Furthermore, compensation must be made for the following: bedding, clothing, three musical instruments (commonly a piano), an organ (commonly a harmonium), books, and pictures."

[*Latin ed. p. 244*]

244 FROM S. G. [Sacra Congregatio] EPISTLES AND DECREES concerning paintings, church furnishings, or chapels. IV. We also request that whatever remains to be paid from the accounts of the year 1895 be justly settled with our Institute. FOR THE BISHOP OF THE CANARY ISLANDS.—On the contrary, the Bishop's advocate maintains that the Superior General's petition should be entirely rejected. Indeed, the repayment of the borrowed sum was not the object of the agreement, as can be seen from the contract; but rather, it was a purely voluntary concession made by the Bishop of the Canary Islands to the Superior General, not of the Institute as a whole, but to the local Institute, since he knew well that the Sisters would not be able to satisfy the debt except gradually or through partial payments. Therefore, there is no obligation on the part of the Bishop as the creditor, but only a pure remission in favor of the Institute as the debtor. Given this, the advocate easily argues that everything presented by the Superior General to prove that the Institute, through the aggregation of the Sisters to the Third Order of Saint Dominic, is unable to fulfill the contract, and therefore, the compensation sought from this side, dissolves into thin air. But the advocate urges even greater points. In truth, the obligation to repair damages does not arise from any damage whatsoever, but only from culpable and unjust actions. However, the aggregation of the Sisters is not impugned; and many things demonstrate this. Firstly, at the time when the Sisters transferred to the Congregation of the Third Order of Saint Dominic, they did not have a rule approved by the Holy See, nor even a decree of praise; therefore, they were dependent on the diocesan Ordinary, to whom it belonged to direct them to their ultimate and eternal end by the way that seemed most expedient to him. But in fact, in the Institute of the Daughters of Christ the Queen in the Canary Islands, there were many things lacking, both in terms of discipline and in terms of religious spirit; and this was the motivating cause for the Sisters, consulting their consciences, to freely decide to transfer to a stricter Dominican rule of the Third Order. But the Bishop, who was obliged to care for the spiritual well-being of the Sisters,

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could he have prevented this transfer?

[*Latin ed. p. 245*]

CANARY ISLANDS. 245 Secondly, according to a recent Constitution promulgated by Pope Leo XIII to regulate the relations between religious institutes and bishops, these same bishops have been granted the power to dispense from vows that are not reserved to the Roman Pontiff. The members of these sodalities, both male and female, are subject to the bishop in all matters concerning censures, the reservation of cases, and the relaxation of vows that are not reserved to the Supreme Pontiff alone. Certainly, the vow of obedience was not among those reserved. Therefore, the Bishop of the Canary Islands could absolve the Sisters of the Institute from this vow. However, a third point arises, which, although not explicitly stated, is implied: if the aggregation had exceeded the bishop's authority, this entire discussion becomes superfluous, because, by a decree of the Sacred Congregation of Bishops and Regular Canons of April 15, 1899, it was declared to be valid; for it was stated that the Sisters who had professed the rule of St. Dominic were to remain in good faith. Therefore, if it is concluded that the aggregation of the Sisters was lawful and valid, it necessarily follows that the question of moral damages that the Superior General is attempting to raise must be dismissed. Subsequently, the advocate proceeds to the question of material damages, and on this point as well, he argues that the petition of the Superior General should be rejected. For, the damages that she claims are limited to the sum of 250 livres delivered to the Sisters at the beginning of their journey from Granada to the Canary Islands, and to the expenses incurred for the journey of 9 Sisters. But far greater and more serious are the expenses incurred by the Bishop, either for the instruction of the college, for necessary sacred and profane furnishings, or for food and sustenance, since the annual income of the college was always less than its expenses; and these expenses amount to a considerable sum of 58,690 livres, as the advocate easily proves from the documents. Therefore, if any compensation were to be admitted, it should certainly belong to the Bishop. Regarding the damage that the Superior General claims from the Congregation of Finances...

[*Latin ed. p. 246*]

246 FROM THE MOST HOLY FATHER, THE BISHOPS, AND THE REGULAR CANONS. Because of the departure of certain Sisters, either through the loss of some, or because of their expertise in music and drawing, or in the teaching of languages, and their subsequent transfer to another Congregation, the advocate maintains that these Sisters had brought a dowry, and therefore had a right to instruction; furthermore, this dowry is retained by the Congregation of the Daughters of Christ the King; therefore, there should be no basis for a complaint. Furthermore, regarding

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the accounts for the year 1895, which have not yet been presented, the advocate observes that these accounts are reduced to 5 months; but the presentation of such accounts was deemed useless, since it was evident that each annual administration was closed with a deficit, which the Bishop would cover with his own funds. Finally, the advocate concludes as follows. It is established that the house of the College was purchased with money borrowed from the Bishop of the Canary Islands, and a mortgage was also taken out on that house. However, this house was not registered in the name of the General Superior or the Founder of the Congregation of the Daughters of Christ the King, but only in the names of two Sisters of the same Institute, who had taken temporary vows: The Bishop called 15 Sisters of the aforementioned Congregation to manage the College, who, having changed their minds, decided it would be better to transfer to another rule: The Bishop considered it necessary to retain them in the management of the College. The advocate asks whether the Bishop could have done this, since he himself was the owner of the Institute? Therefore, the petition for compensation for damages presented by the opposing party has no valid basis. Having briefly stated these matters on both sides, the following question was proposed: Does the Institute of the Daughters of Christ the King have the right to compensation against the Bishop of the Canary Islands in this case? RESOLUTION. The Sacred Congregation of Bishops and Regular Canons, after mature discussion in a general meeting on May 16, 1902, responded: "Affirmatively, according to the following conditions: The General Superior of the Institute of the Daughters of Christ the King, and she..."

[*Latin ed. p. 247*]

FROM THE SACRED CEREMONIAL 247: The Reverend Canon Gras submits a note to the Sacred Congregation, requesting that a procurator be appointed in Rome to handle the indemnities that are being requested, and also that the Bishop of Canarias designate his own procurator to present any observations that he might deem necessary regarding the aforementioned note, and that the Sacred Congregation definitively resolve the matter in a particular meeting.

FROM THE SACRED CONGREGATION: Doubts concerning the rights and honors pertaining to Cardinals are presented. Regarding the rights and honors pertaining to Cardinals, in certain acts which concern their office and dignity, the Reverend Father Francis Riggi, Prefect of the Apostolic Ceremonies, presented the following doubts to the Sacred Congregation:

Doubt I: Whether Cardinals, belonging to the order of Deacons or Priests, but not having received the episcopal consecration, may wear a cross before their chest, in the manner of bishops, either within the Roman Curia or in any other place outside of it.

Doubt II: It has happened that Cardinals elected as Protectors, during

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the solemn possession, have used two cushions, a throne properly called, three steps raised, and a parasol or fan. It has also happened that, while the Cardinal Protector was entering the temple, the antiphon "Ecce sacerdos magnus, vel Fidelis" was sung, as is customary during the possession of a title. Finally, it has happened that the Cardinal Protector, in a public church of a confraternity or religious order, has laid down the pallium, or mantle.

In order to establish a certain norm for various cases, the following is requested:

1. Whether the aforementioned signs of honor pertain to Cardinals who have been announced by the Supreme Pontiff as Protectors of a certain church, within the same jurisdiction, during the solemn rite of possession.

2. Whether the elected Cardinals who are Protectors of Orders are permitted to wear the purple.

[*Latin ed. p. 248*]

248 FROM THE SACRED CEREMONIAL: Whether, when entering, those who possess the office of Prelate, or of superiors of monasteries, confraternities, or other institutions, may, in the buildings of these, in the main hall, or in the inner chapel; or at the door of the church, or at the entrance to a public oratory, chant the antiphons: "Behold the great priest," or: "For he is faithful."

3. Whether those Cardinals who are Protectors of Orders, monasteries, confraternities, or other institutions, may use a throne with three steps, adorned with a bell, or with a cushion, in the inner hall of a religious house or confraternity, or in a church or public oratory.

4. Whether it is permissible for them to lay aside their pallium and biretta, or zucchetto, and to stand in the church or in a public oratory, if they have another place where they are taking possession.

5. Whether, to the Cardinals who have been appointed Protectors of kingdoms, states, academies, or other things by the Supreme Pontiff, any special signs of honor are due.

Doubt III. — If a church is the proper residence of a Cardinal, and the same is inhabited by a religious family or institute subject to another Cardinal, for example, a Protector, whether it is permissible for the Cardinal in purple to enter the same building with his zucchetto.

Doubt IV. — 1. Whether the insignia, or emblems, of a Cardinal Protector may be placed above the door of a house or church belonging to a religious family, a confraternity, or another institution.

2. Also, whether it is fitting to follow the custom received in the city, of placing above the doors of churches belonging to confraternities, the insignia, or emblems, of the Primicerius, together with the emblem of the Cardinal Protector.

Regarding the above doubts, after having heard three Consultors of the

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Sacred Congregation of Ceremonies, Most Eminent Fathers, in meetings held on the 23rd of the month of May in the year 1902, in the Vatican buildings, it was judged that the following should be answered:

To I: Nothing should be changed.

To II: 1. Affirmative.

2. Negative, that is, excluding any antiphonal chanting.

3. To the first part, affirmative; to the second part, negative.

4. Negative.

5. Negative.

[*Latin ed. p. 249*]

From the Sacred Congregation for Ceremonies, 249 A, section III, and 1. The insignia, or emblems, of the Cardinal Protector are properly affixed above the main door. It is permissible, and indeed it can be done, to affix them above the doors of churches, but together with the emblem of the Roman Pontiff, and only if there is a reason pertaining to a superior jurisdiction or patronage. 1. 2. Negatively. Having received a report from the Cardinal Prefect of the Sacred Congregation for Ceremonies, regarding the Most Holy Pope Leo XIII, His Holiness approved and confirmed it on the 30th day of the same month and year. Aloysius Cardinal Oreggia, Prefect of the Sacred Congregation for Ceremonies. Stephen. L. Ludovicus Grabinski, Secretary. DECREE by which certain norms are presented to the Cardinals concerning the more splendid celebration of the sacred rites. The eminent dignity with which the Most Reverend Cardinals, counselors of the Supreme Pontiff and members of His august Senate, shine forth in the Church, clearly demonstrates that the Christian people hold them in high esteem. Therefore, it is not surprising that many laws and regulations have been enacted to honor them, granting them, over time, extensive rights, privileges, and honors, especially those pertaining to the more splendid celebration of the sacred rites by themselves. Since our times seem to demand that we diligently guard against anything that might diminish their majesty and that the daily exercise of their ministry may not be debased, the Sacred Congregation for Ceremonies deemed it opportune to propose certain norms, and to present them in another Decree to the rectors of the churches of the city, and also to the Cardinals. I. A Cardinal, whether a priest, or of the order of presbyters or bishops, invited outside of his own titular church or to a church in the city for a solemn feast day, or to perform a pontifical Mass.

[*Latin ed. p. 250*]

250 FROM THE SACRED CONGREGATION OF CEREMONIES: Concerning Vespers, it is not permitted to be celebrated, unless it has been heard, which itself follows, by the most esteemed master of ecclesiastical ceremonies, and with these conditions: 1. It must be a truly singular and

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uncommon celebration of a feast, so that Cardinals are invited, that is, for the singular and uncommon celebration of some feast; 2. The size of the church, suitable for the pontifical ceremonies to be performed, especially in the sanctuary, must be adequate for the proper and convenient execution of the ceremonies; and the church itself must be of a dignified and noteworthy character; 3. The sacred ministers and other necessary personnel must be present in the number prescribed by the laws of the liturgy; each must properly perform his office; and the higher ministers, those wearing purple in the pontifical ceremonies, must be of some dignity in the Church; and at least some clerics must be present. Furthermore, a fitting and appropriate attendance of secular or regular clergy must be present with the celebrant, the Cardinal. 4. The type of music to be used in the sacred action must be approved by the Church. Especially when a solemn feast is being celebrated: besides the Gregorian chant, no other singing is permitted except that which is customary in the choirs of the Supreme Pontiff and the Cardinals. The singers, both in number and in skill, must leave nothing to be desired.

II. The Sacred Congregation of Ceremonies declares that, for a singular and uncommon celebration of a feast, as mentioned above, certain more solemn celebrations are held with great pomp and a large gathering of the people, such as during the first three days of supplication after beatification, or on the eighth day after canonization; and also in secular commemorations, and similar occasions. If the solemnity is appointed for a triduum, only the pontifical ceremonies of the Eminence may be held on the last day; if for eight days, they may be held for those days. If, however, a Cardinal, on the occasion of a particular feast, wishes to perform pontifical ceremonies in the church of his title, or desires to solemnly assist at the sacred ceremonies there, which is permitted to Cardinals even in their own church, the rectors of the churches must take care of all and each thing, according to the prescriptions above.

III. If a Cardinal, whether of the order of Bishops or of Presbyters, or even with a special privilege, of the order of Deacons, is invited to celebrate a private Mass in a public church of the city, it is not permitted unless, beforehand, it has been considered what is the nature and extent of the feast, the dignity of the church, its size, and its quality.

[*Latin ed. p. 251*]

From the Sacred Congregation of Ceremonies, 251: "Everything must be properly prepared and arranged, so that the Cardinal, who is to be received with the highest honor and reverence, may be treated, led, and conducted with the utmost care, according to the prescriptions of the Sacred Ritual and the rules of ceremonies, down to the smallest detail. I. If a Cardinal is invited to solemnly bless the people with the Most Holy Sacrament, he must not agree until he is certain that everything has been prepared and

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arranged according to the norms described above; he must have sacred ministers appointed in some ecclesiastical dignity; and the lower clergy must be commendable in number and quality. V. For novenas or triduums of supplication, even if more solemn (except in the cases mentioned in n. 11), the Cardinals do not necessarily attend daily; nor, indeed, on the last day, unless the magnitude and splendor of the sacred commemoration require it. V. The rite of absolution after the Mass for the Dead, celebrated by a bishop or priest, should not be performed by Cardinals of the Order of Bishops or Priests, in the presence of the deceased, unless ordered or desired by the Supreme Pontiff. In the absence of the deceased, they can perform this rite at funerals, or at the Pontiff's, or at those of Cardinals, or of Catholic Princes; or even when a more solemn commemoration of all the faithful departed is held; or for a particularly distinguished community, or for a public and lamentable event; provided that everything mentioned above is carefully observed, especially concerning the dignity of the ministers, their expertise, and their number, as well as the type of chant. VI. It is advisable that Cardinals do not accept invitations to other rites, ceremonies, or sacred functions, if something is introduced that is less suitable for the dignity of Cardinals, which sometimes happens; unless they are certain, through a master of the pontifical ceremonies, that everything will be done properly, and that nothing will detract from the Cardinal's dignity. VII. Cardinals celebrate solemnly in the public churches of the city, and, in addition to the *caudatarium* and the servant in ordinary livery, they are accompanied by two noble attendants. In less solemn ceremonies, they are accompanied by at least one noble ecclesiastical attendant, in addition to the *caudatarium* and the servant in ordinary livery. All of these things are established and approved by the Sacred Congregation of Ceremonies in meetings held in the Vatican, on May 23, 1902."

[*Latin ed. p. 252*]

252 FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION, and as is explained below, reported to His Most Holy Name, Pope Leo XIII, the Supreme Pontiff, Holiness, having heard, approved, and confirmed on the 30th day of the same month and year. ALOISIUS CARD. OREGLIA, Prefect of the Sacred Congregation of Ceremonies, St. Stephen 5. L. * S. LUDOVICUS GRABINSKI, Secretary. FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION, DECREE concerning the concurrence of a less probable opinion with more probable ones, Rome, April 19, 1902. Having been presented to this Supreme Congregation a petition... to obtain official communication of the true text of the Decree of the Sacred Office concerning probabilism, addressed to the Reverend Father Thirso Gonzales, S.J., the undersigned Assessor... has the honor to transmit herewith the authentic copy of said decree, with the express declaration that this is

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the only true text, and that, consequently, all others, in whatever manner and time they may have been published, must be considered apocryphal, and that if anyone of these latter bears, even without doubt, signs of authenticity, it must be understood that this has occurred merely through error. GIAMBATTISTA LUGARI, Assessor of the Sacred Office. "Having received a report in writing from Father Thirso Gonzales, S.J., addressed to His Most Holy Name, the Eminents said that it should be written by the Secretary to the Apostolic Nuncio in Spain, so that the said Father Thirso may understand that Holiness has graciously received and, after reading his letter with approval, has ordered that he freely and boldly proclaim, defend, and uphold the more probable opinion."

[*Latin ed. p. 253*]

FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION, 253: "Those who assert that, when a less probable opinion is known and judged to be in conflict with a more probable one, it is permissible to follow the less probable opinion, and that whatever is written in favor of the more probable opinion will be pleasing to His Holiness, are vigorously refuted. 'It is commanded that the General Father of the Society of Jesus be instructed, not only to permit those Fathers of the Society to write in favor of the more probable opinion and to refute the assertion that, when a less probable opinion is known and judged to be in conflict with a more probable one, it is permissible to follow the less probable opinion; but also to instruct all the Universities of the Society, that it is the mind of His Holiness that everyone, as he pleases, may freely write in favor of the more probable opinion and refute the contrary opinion; and that they may be commanded to submit entirely to the mandate of His Holiness.' 'On the 8th of July, 1680. The General Father of the Society of Jesus, after having renounced the aforementioned order of His Holiness, responded that, in all haste, he would do so, although neither he nor his predecessors had ever been forbidden to write in favor of the more probable opinion, nor to teach it.' I, the undersigned Notary of the Holy Office, testify that the aforementioned excerpt from the decree, published on Thursday, the 26th of June, 1680, was taken from the original documents of the same Sacred Congregation, and that, as can be seen from the comparison word for word, it corresponds perfectly. Given in Rome, from the offices of the Holy Office, on the 21st of April, 1902. Rev. MANCINI, S. R. and U. L., Notary. FROM THE SACRED CONGREGATION CONCERNING THE DISCIPLINE OF THE REGULAR ORDER OF THE MINOR BRETHREN OF ST. FRANCIS, CAPUCHINS. Most Blessed Father, The undersigned General Procurator of the Order of the Minor Brethren of Capuchins, humbly prostrate at the

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feet of Your Holiness,

[*Latin ed. p. 254*]

254 FROM THE SACRED CONGREGATION CONCERNING THE REGULAR LIFE, with the most pious judgment of the same Holiness, the following is submitted for declaration: According to the more recent law of the Government, young clerics who propose to themselves and establish that they will go on missions abroad, and who are about to reach the age of twenty-six, and if before the end of their twenty-sixth year they have truly gone on said missions, and remain in them for another six years, they will be entirely exempt from said service; it is asked: I. Can young clerics, of whom we are speaking, make their solemn profession (if they are regulars) before the age of twenty-six, and be promoted to the sacred Orders? II. And, if the answer to the first question is negative, can the Apostolic grace be obtained and should it be granted for each cleric of this kind? And God, etc. In reply to I and II: It is not permissible. From the Congress. Rome, July 2, 1901. F. R. H. M. CARD. GOTTI, Prefect. JOSEPH NERVEGNA, Substitute.

FROM THE SACRED CONGREGATION FOR INDULGENCES, MECHLIN. Concerning the method of performing the Stations of the Cross in the chapels of pious women. The Superior General of the Institute of Perpetual Adoration, whose principal house is located in Brussels, in the archdiocese of Mechlin, presents the following to this Sacred Congregation for Indulgences and Sacred Relics: By the decree of this Sacred Congregation of August 6, 1757, it is prescribed that in the pious practice of publicly performing the Stations of the Cross, due to the narrowness of the place, each person should occupy their own space, provided that the priest, with two clerics or singers, goes around and stops at each Station, and there performs the customary prayers.

[*Latin ed. p. 255*]

FROM THE DECREES ON INDULGENCES, 255: The following is recited. To the Most Holy Congregation, the following question was posed: 1. "Can this method be observed, due to the narrowness of the place, in the chapels of religious communities? And 2. Can a priest, accompanied by two clerics, instead of brothers, go around and stand at each station, reciting the customary prayers?" And the Most Holy Congregation, in response to a request from the Institute of the Brothers of Marist, concerning the schools, on February 27, 1901, replied: "Affirmatively, to both." Now, the aforementioned Superior proposes the following question to be resolved: Can a Sister, in place of one of the brothers, go around and stand at each station in the houses of religious communities, reciting the customary prayers? The Most Holy Congregation, after hearing the opinion of one of the Consultors, replied: "Affirmatively." Given in Rome, from the Secretariat of the same Most Holy Congregation, on May 7, 1902. S. CARD. CRETONI F.

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SOGARO, Prefect. Archbishop of Amiden. Secretary. FROM THE HOLY CONGREGATION FOR RITES OF MILAN. Extension of the Decree of July 18, 1902, to other Churches, according to the manner. To the Most Reverend and Most Reverend Cardinal Andrea Ferrari, Archbishop of Milan: "Does the Decree of Milan, of July 18, 1902, extend not only to parish and subsidiary churches, but also to other churches of the same kind, or to public or semi-public oratories?" The Holy Congregation for Rites, after considering the report of the undersigned Secretary, the careful opinion of the Liturgical Commission, and after careful deliberation, decided to respond: "Affirmatively, provided that other churches or public or semi-public oratories can legitimately perform the functions during the Greater Week, using also the simpler form described in the treatise: *Piccolo Ceremoniale delle Chiese*."

[*Latin ed. p. 256*]

256 From the Sacred Regulations concerning parochial practices of the diocese following the Ambrosian rite; otherwise, they are negative, and they decree. 2616 Resolutions of doubts, July 31, 1821, articles 1 and 2 (1), and article 4049 of the Commentary, December 9, 1899, to article 1 (2). And thus it was responded, on August 2, 1902. DOMINICUS CARDINAL FERRATA, Servant of the Lord. "Most Reverend Prefect. Most Reverend DIOMEDES PANICI, Archbishop of Laodicea. Servant of the Lord. Secretary." (1) The cited decree of July 31, 1821, reads as follows: 1. Whether it is permissible for a custom to exist in certain parishes, especially in rural areas, whereby the parish priest celebrates the Low Mass on the fifth day of the week in the Lord's Supper, and whether the same day and the following ecclesiastical functions prescribed can be performed, due to a lack of clergy. 2. Whether, on Holy Saturday, the Mass to be privately celebrated by a Bishop in his domestic chapel, by reason of his ordination, or by other priests (if any are present) who enjoy such a privilege, should begin with the Kyrie or with the readings from the Prophets? To 1. Affirmative, and with the following meaning: that the Ordinary of the place, with regard to parishes in which there may be three or four clergy at least, should strive to have the sacred functions performed on the fifth and sixth days of the week, and on Saturday during the week of the greater mysteries, observing the form of the small Ritual promulgated by order of Pope Benedict XIII in the year 1725; and with regard to other parishes which are lacking in clergy, they may, for the benefit of the people, permit the parish priest (with permission requested annually) to celebrate the Low Mass on the fifth day of the week in the Lord's Supper, before the Conventual Mass begins in the Cathedral or parish church. And to the Reverend Secretary, with the Most Holy [Father]. To 2. With regard to Bishops, by reason of their ordination, the prescriptions of the Pontifical and the decree of the Sacred Congregation of March 21, 1744, in Bergamo, are to be observed, and the

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Mass is to begin with the readings from the Prophets; and with regard to others, if they enjoy such a privilege, in the usual manner, but without the Introit, after the ringing of the bells. (2) The cited decree of December 9, 1899, reads as follows: 1. Whether the Low Mass or the Mass with singing can be celebrated on the fifth day of the week in the Lord's Supper in parochial churches and other non-parochial churches, and whether the functions of the sixth day of the week, on the Friday before Saturday, and of Holy Saturday can be performed?.... To 1. In parochial churches where there is a baptismal font, the rubrics of the Missal and the decrees are to be observed, using the Memorial of Rites of Pope Benedict XIII, for the prescribed functions, if there is a lack of sacred ministers and clergy. In other churches which are not parochial, the function of Holy Saturday may be omitted, but not that of the sixth day of the week, on the Friday before Saturday; and the Sepulcher [representation of the tomb] is to be prepared; with permission obtained for the use of the aforementioned Memorial, if the same lack of sacred ministers and clergy exists.

[*Latin ed. p. 257*]

257 ENCYCLICAL LETTER from the Most Holy Lord, Our Pope Leo XIII, by Divine Providence, to the Bishops of Italia.

LEO XIII, POPE.

To Our Venerable Brothers, greetings and apostolic blessing.

From the very beginning of Our Pontificate, observing the grave conditions of society, We did not delay in recognizing that one of the most urgent duties of the apostolic office was to devote special care to the education of the Clergy. For We saw that every effort We made in the world for the restoration of Christian life would be in vain, if in the ecclesiastical order itself integrity and a truly priestly spirit were not preserved. Therefore, We have not ceased, as far as We could, to provide for this, both through appropriate institutions and through numerous documents directed to this end. And now, a particular concern for the Clergy of Italia moves Us, Venerable Brothers, to once again address an argument of such great importance.

Belle, through constant and admirable testimonies, offers much of doctrine, piety, and zeal; among which We are pleased to point out the alacrity with which, following the impulse and direction of the Bishops, it cooperates with the Catholic movement that is so dear to Us. However, We cannot conceal Our concern as We see how, for some time now, a certain desire for unconsidered innovations has been spreading from here and there, both with respect to the formation and to the manifold action of the sacred ministers. Now, it is easy to perceive the grave consequences that would be deplored, if such innovative tendencies were not promptly remedied.

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Therefore, in order to preserve the Italian Clergy from the pernicious influences of the times, We deem it fitting, Venerable Brothers, to recall in this Our letter the unchanging principles that must govern ecclesiastical education and the entire sacred ministry. The Catholic Priesthood, divine in its origin, supernatural in its essence, immutable in its character, is not such an institution that it can adapt itself to the fickleness of opinions or of human systems. It is a participation in the eternal priesthood of Jesus Christ, and therefore it must perpetuate itself until the consummation of the age.

[*Latin ed. p. 258*]

258 ENCYCLICAL LETTER: The very mission of the Divine Father is entrusted to His Incarnate Word: "He said therefore to them again: Peace be to you. As the Father hath sent me, I also send you." (1). To work the eternal salvation of souls will always be the great mandate, to which nothing can ever be superior: and, in order faithfully to accomplish it, one must never cease to have recourse to those supernatural means and to those divine norms of thought and action which Jesus Christ gave to His Apostles when He sent them throughout the world to convert the nations to the Gospel. Therefore, St. Paul in his letters reminds us that the priest is nothing other than the representative, the minister of Christ, the dispenser of His mysteries (2), and He represents him in a place of such high standing (3), as an intermediary between heaven and earth, to treat with God for the common interest of the human race, which is the matter of eternal life. This is the concept that the holy books give of the Christian priesthood, that is, of a supernatural institution, superior to all earthly institutions, and altogether separate from them, as the divine is from the human.

This same exalted idea emerges clearly from the works of the Fathers, from the teaching of the Roman Pontiffs and Bishops, from the decrees of the Councils, from the unanimous teaching of the Doctors and the Catholic Schools. Above all, the tradition of the Church proclaims that the priest is another Christ, and that the priesthood, although exercised on earth, rightly merits to be reckoned among the orders of heaven (4); for to him are entrusted things entirely heavenly, and to him is conferred a power which God did not entrust even to the Angels (5), a power and ministry that concerns the governance of souls, that is, the art of arts (6). Therefore, education, studies, customs, and everything that pertains to the priestly discipline, have always been considered by the Church as a whole, not merely distinct, but also separate from the ordinary norms of lay life.

This distinction and separation must therefore be maintained (1) John 20:21. (2) II Corinthians 5:20; 6:4; 1 Corinthians 4:1. (3) Hebrews 5:1. (4) "For the priesthood is exercised on earth, but it belongs to the order of the heavenly things, and rightly so" (St. John Chrysostom, *De Sacerdotio*, Book III, n. 4). (5) "For those who dwell on earth are entrusted with the

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dispensation of things that are in heaven, and they have received a power which God did not give to Angels, nor to Archangels" (Ibid., n. 5). (6) "The art of arts is the governance of souls" (St. Gregory the Great, *Reg. Past. Part. 1*, Chapter I).

[*Latin ed. p. 259*]

LETTERA ENCICLICA 259. Quod, etiam hodie, manet inalteratum; et quicumque tendit ad aequaliter coniungere vel confundere educationem et vitam ecclesiasticam cum educatione et vita laicali, debet esse iudatum improbum, non solum ex traditione saeculorum Christianorum, sed etiam ex ipsa doctrina apostolica et ordinamentis Iesu Christi. Certo, in formatione clerorum et in ministerio sacerdotali, oportet haberi in consideratione diversas conditiones temporum. Ergo, longe a nobis est intentio rejicendi quae mutationes, ut opus clerorum semper efficacius sit in societate in qua vivit; quod, pro tali consideratione, nobis videtur conveniens promovendi, in essentia, culturam plus solidam et exquisitam, et aperiendi amplius campum ad ministerium. Sed, ad omnem innovationem quae quidquam praeiudicii ad rem essentialem sacerdotis attulerit, debet esse reputata omnino damnabilis. Sacerdos, praesertim, constitutus est magister, medicus et pastor animarum, et dux ad finem qui non terminatur in terminis vitae praesentis. Ergo, non potest ille umquam plene correspondere ad officia tam nobila, nisi sit, sicut oportet, versatus in scientia sacris et divinis; nisi sit praedatus virtutibus pietatis quae conveniunt viro Dei; nisi ponat omnem curam ad auctendum efficaciam praeceptionum suarum exemplo, conformiter ad admonitionem datam sacris pastoribus a Principe Apostolorum: "Forma facti gregis ex animo" (1). Quamdiu tempora mutantur, et conditiones sociales mutantur et transformantur, haec sunt propria et maxima officia quae debent fulgere in sacerdote catholico, iusta principia fidei; omne aliud donum naturale et humanum, certe commendabitur, sed, respectu ad officium sacerdotale, habebit secundariam et relativam importantiam.

Si ergo est rationabile et iustum ut clerus se ad apte, ad necessitates aetatis praesens, accommodet, ita etiam est debere et necessarium ut ad pravam curritum saeculi, fortiter resistat. Et hoc, dum naturalmente respondit ad altum finem sacerdotii, ita etiam reddit ministerium eius fructuosius, crescens in honore et procurans sibi respectum.

Nunc est notum, paene ad tristiam, quomodo spiritus naturalismi conatur polluere omnem partem, etiam sanissimam, corporis sociali: spiritus qui superbiat mentibus (2) (1Petr. V, 5).

[*Latin ed. p. 260*]

260 ENCYCLICAL LETTER: It rebels against every authority; it distresses hearts and turns them towards the pursuit of worldly goods, neglecting those that are eternal. Of this most wicked spirit, already

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too widespread, we must greatly fear that some influence may not even insinuate itself among the clergy, especially among the less experienced. Sad effects would result: a decline in that gravity of conduct so fitting for a priest; a yielding with lightness to the charm of every novelty; a bearing with pretentious docility towards superiors; and a loss of that deliberation and measure in discussion which is so necessary, particularly in matters of faith and morals. But an even more deplorable effect, joined with the harm to the Christian people, would follow in the sacred ministry of the word, introducing a language not conforming to the character of a herald of the Gospel. Moved by such considerations, We feel it is necessary to once again and with greater zeal recommend that, above all, seminarians maintain in their spirit that proper disposition, both with respect to the education of the mind and that of the heart. It should not be forgotten that they are exclusively destined to prepare young men not for human offices, however legitimate and honorable, but for the high mission, as We have already mentioned, of ministers of Christ and dispensers of the mysteries of God (1). From this reflection, everything that is supernatural will always be pleasing, as We noted already in the Encyclical to the Clergy of France, dated September 8, 1899, and will provide valuable rules not only for the proper formation of the clergy, but also to remove from the institutions in which they are educated, every internal and external danger, of a moral or religious nature. With respect to studies, since the clergy must not be strangers to the advancements of every good discipline, let what is truly good and useful be accepted in the new methods: every age contributes to the progress of human knowledge. However, We wish that on this subject, the prescriptions of Ours be well remembered concerning the study of the classical languages, and especially of Philosophy, Theology, and the related sciences: prescriptions which We have given in numerous documents, especially in the aforementioned Encyclical, of which We wish to send you a copy, together with the present. It would be desirable that young ecclesiastics could (1) 1 Corinthians 4:1.

[*Latin ed. p. 261*]

ENCYCLICAL LETTER. 261. All, as is their duty, must provide the course of studies always under the guidance of the sacred institutions. But because grave reasons advise that some of them attend public universities, let it not be forgotten that with what precautions the Bishops must permit this (1). — I wish to emphasize the faithful observance of the norms contained in a more recent document, especially with regard to readings and other matters that might give young people the opportunity to participate in external agitations in any way (2). Thus, the students of the Seminaries, making good use of a precious time and with the utmost tranquility of mind, can all devote themselves to those studies that mature the great duties of the priesthood, especially to the ministry of preaching

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and of confessions. Consider, how grave is the responsibility of those priests who, in such great need of the Christian people, neglect to perform their proper work in the exercise of these sacred ministries; and likewise, those who do not bring a diligent and enlightened effort: both, in their own way, fail to correspond to their vocation, which is so important for the salvation of souls. And here, Venerable Brothers, we must call your attention to the special instruction that we have given regarding the ministry of the divine word (3); and we desire that more abundant fruits may come from it. With regard to the ministry of confessions, let it be remembered how severe are the words of the most illustrious and gentle of moralists, who doubted not that those who are not fit for the tribunal of penance (4); and how much more severe is the lament of the illustrious Pope Benedict XIV, who placed among the greatest calamities of the Church the lack in confessors of a theological and moral science that befits the gravity of so holy an office. But for the noble purpose of preparing worthy ministers of the Lord, it is necessary, Venerable Brothers, that all effort and ever greater vigilance be directed, beyond the scientific organization, (1) Instruction from the Most Holy Congregation of the Holy Office, dated July 21, 1896, to the Bishops and Religious Superiors of Italy. (2) Instruction of the Holy Congregation of Religious, dated January 27, 1902, concerning the Christian or democratic-Christian popular action in Italy. (3) Instruction of the Holy Congregation of Bishops and Regulars, dated July 31, 1894, to all Ordinaries of Italy and to the Superiors of the Orders and Congregations. (4) Saint Alphonsus Maria de Liguori: *The Practice of the Confessor*, Book 1, Chapter III, paragraph 18.

[*Latin ed. p. 262*]

262 ENCYCLICAL LETTER: Also, concerning the disciplinary and educational aspects of your Seminaries. — Only those young men should be admitted who offer well-founded hopes of dedicating themselves perpetually to the ecclesiastical ministry (1). They must be kept separate from contact, and even from living together, with young men who do not aspire to the priesthood; such association may, for just and serious reasons, be tolerated for a time and with special precautions, until full provision can be made, in accordance with the spirit of ecclesiastical discipline. Great care should be taken in admitting clerics to the sacred orders, and those who, during their education, manifest tendencies unfavorable to the priestly vocation, should be carefully considered; and let the grave warning of Saint Paul to Timothy be heeded: "Impose not hands lightly upon any man, neither be partaker of other men's sins. Keep thyself chaste." (2) In all of this, it is necessary to consider, above all else, that which is always of the highest importance, namely, the dignity of the sacred ministry.

It is also of great importance that in the students of the sanctuary, a living image of Jesus Christ be formed, in which all ecclesiastical education is

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summed up; let the directors and teachers, together with the diligence and expertise proper to their office, join the example of a life that is entirely priestly. The exemplary conduct of those in charge, especially among the young, is the most eloquent and persuasive language for inspiring in their souls the conviction of their own duties and the love of good. Such an important work requires, above all, from the director of souls, extraordinary prudence and care, so that this office, which we desire to be present in every Seminary, may be entrusted to a very experienced ecclesiastic in the ways of Christian perfection. And from him, it will never be enough to recommend that he instill and cultivate in the students that piety which is fruitful for all, but especially for the clergy, of inestimable utility (3). Therefore, let him also be diligent in protecting them from a pernicious deception, not infrequent among young people, namely, that of allowing themselves to be so absorbed by the ardor of studies that they neglect to care for their own advancement in the knowledge of God and the Saints. The more deeply piety takes root in the clerics, the better they will temper that strong spirit of sacrifice, which is utterly necessary for glorifying the Divine.

(1) Council of Trent, Session XXIII, Decree XVIII, de Reformat.

(2) 1 Timothy 5:22.

(3) 1 Timothy 4:7, 8.

[*Latin ed. p. 263*]

ENCYCLICAL LETTER 263: ON THE SALVATION OF SOULS. — Thanks be to God, there are not lacking in the Italian clergy priests of noble character, who, as far as they can, serve as ministers of the Lord, imbued with such a spirit; admirable is the generosity of those many who, to extend the kingdom of Jesus Christ, willingly undertake journeys, endure hardships, deprivations, and all manner of suffering, and even martyrdom. In this way, guided by provident and loving care in the proper cultivation of the spirit and intellect, the young cleric will gradually be formed, as his vocation and the needs of the Christian people require. The training is truly not brief; and yet, it must be prolonged even beyond the time of the Seminary. It is indeed necessary that young priests not be left without guidance in their first labors, but rather be encouraged by the experience of more seasoned priests, so that they may develop zeal, prudence, and piety; and it is also expedient that, now with academic exercises, now with periodic conferences, they be continuously trained in sacred studies. It is manifest, Venerable Brothers, that what we have here recommended, far from doing any harm, rather benefits in a singular way that social activity of the clergy, which We have repeatedly emphasized as necessary in our times. For with the faithful observance of the norms We have prescribed, that which must be the soul and life of such activity is protected. Therefore, let us repeat here, and with greater emphasis, that the clergy must go to the Christian people, beset on all sides, and with every kind of deceitful

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promise, especially by socialism, and to lead them away from the faith of their ancestors; subordinating, however, all their actions to the authority of those whom the Holy Spirit has constituted as bishops to govern the Church of God; otherwise, there would result a most grave confusion and disorder, to the detriment even of the cause which they have to defend and promote. Indeed, for this purpose, We desire that candidates for the priesthood, at the end of their education in the Seminaries, be properly instructed in the pontifical documents concerning social questions and Christian democracy, while, as We have said above, they abstain from taking any part in external movements. Let priests, therefore, dedicate themselves with particular study to the people, who have always been the object of the most loving care of the Church. To take the children of...

[*Latin ed. p. 264*]

264 ENCYCLICAL LETTER to the people concerning ignorance of spiritual and eternal matters, and with industrious and loving zeal, to lead them to an honest and virtuous life; to strengthen the adults in the Faith, dissipating contrary prejudices, and to encourage them in the practice of the Christian life; to promote among the Catholic laity those institutions which are truly effective for the moral and material improvement of the multitudes; to uphold above all the principles of evangelical justice and charity, in which all the rights and duties of civil life are found in proper balance: such is, in its principal parts, the noble task of their social action. But they must always bear in mind that, even among the people, the priest must preserve the integrity of his august character as minister of God, being placed at the head of his brethren, especially for the sake of souls (1). Any action concerning the people, if it disregards the priestly dignity, the duties, and the discipline of the Church, could only be highly disapproved. Therefore, Venerable Brothers, the consciousness of the apostolic office compels us to point out these things, considering the present conditions of the clergy of Italy. We do not doubt that, in this matter of such gravity and importance, you will join your solicitous efforts with our own, inspired especially by the illustrious example of the great Archbishop, Saint Charles Borromeo. Therefore, to give effect to these prescriptions of ours, you will take care to present arguments from your regional Conferences, and to advise yourselves on those practical measures which, according to the particular needs of the individual dioceses, will seem most appropriate. Your deliberations and decisions will not lack, where necessary, the support of our authority. And now, with words that spontaneously arise from the depths of our paternal heart, we turn to you, all you priests of Italy, recommending to each and every one of you that you put every effort into always responding more worthily to the spirit proper to your excellent vocation. To you, ministers of the Lord, we say with greater reason what Saint Paul said to the simple faithful: "I therefore, a prisoner in the Lord, beseech you that you walk

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worthy of the vocation in which you are called:" (2).

(1) St. Gregory the Great, *Rules for Pastors*, Part II, chapter VII.

(2) Ephesians 4:1.

[*Latin ed. p. 265*]

ENCYCLICAL LETTER 265: May the common Mother Church invigorate you with that concord of thought and action, which doubles your strength and renders your works more fruitful. In times fraught with peril to religion and to society, when the Clergy of every kind is called to unite closely for the defense of the faith and of Christian morality, you, most beloved sons, are bound to this Apostolic See by particular ties, preceding all others in boundless obedience to the voice and the commands of the Vicar of Jesus Christ. May the blessings of God descend copiously, which We invoke, to maintain the Clergy of Italy always worthy of its illustrious traditions. Under the auspices of divine favors, We impart the Apostolic Blessing to you, Venerable Brothers, and to all the Clergy entrusted to your care, with a heartfelt effusion. Given at Rome, near St. Peter's, on the sacred day of the Immaculate Conception of Mary, December 8, 1902, in the twenty-fifth year of Our Pontificate. LEO XIII.

MOTU PROPRIO: Concerning the establishment of a council for the work of the preservation of the faith. Two years ago, We addressed letters to the Most Eminent Cardinal, holding the office of Our Vicar in Rome, concerning the unrestrained license granted to the defenders of heresy within the city itself, a matter which caused Us great distress. For this city, the principal of those bearing the Catholic name, has been established by Divine Providence, and has been chosen from among all others throughout the world, so that, as it has done for many centuries, it may remain a free state, and that the evangelical doctrine may be spread throughout the entire world. This most noble and clearly divine office of the Roman See is plainly declared, and it is most unjust and discriminatory that temples and schools should be opened to the propagators of heresy, and that pernicious and false opinions should be spread. Therefore, in order to remedy these evils as far as it was in Our power, We gladly approved the newly established "Preservation of the Faith" council, which had been aroused by Our own deliberations and efforts. But alas, the dangers and damages increase day by day, and the Apostolic solicitude...

[*Latin ed. p. 266*]

266 Moved by the impulse of charity, We have determined to strengthen the esteemed work at Lodi with a firmer foundation, and We have deliberated, with the special counsel of the Most Reverend Cardinals of the Holy Roman Church. Henceforth, the clergy of the Urban vicariate, in whom We place the greatest confidence, will receive greater assistance in the diligent and fruitful fulfillment of their priestly duties; and likewise, outstanding

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men will be encouraged to dedicate themselves to greater endeavors, having already devoted much effort and time to this great work with great merit. Therefore, by the present Apostolic Letter, We establish a Council or Commission for the management and promotion of the Work of the Presentation of the Faith. This Council shall consist of certain individuals designated by the Supreme Pontiff, among the Most Reverend Cardinals; and We choose as the first members Seraphinus Cretoni, Francis of Paula Cassetta, Peter Respighi, Sebastian Martinelli, Joseph of Calasanctius, and Vives. To those entrusted with the aforementioned duties and offices, We prescribe, by the proper documents, what is to be observed. These decrees, once ratified and established, We wish and command to remain in force by Our authority. Given at Rome, near the Holy Apostles Peter and Paul, on the twenty-fifth day of November, in the fifteenth year of Our Pontificate. LEO XIII, Pope.

[*Latin ed. p. 267*]

267 FROM THE SECRETARY'S BRIEF, to His Eminence, Cardinal Ferrari, Archbishop of Milan, concerning the affirmation of the proper convictions of Catholics in Italy regarding the rights of the Holy See, in all times. Your Eminence. For some time now, a certain event has been occurring in some parts of Italy, which has rightly drawn the vigilant attention of the Holy Father. In fact, Catholics who profess to be devoted to the Holy See, whether in conferences before a large audience, or in speeches and toasts at public gatherings, or in articles in newspapers, speak of the Italian homeland, and even of national unity, without making any reservation, or at least without making a sufficiently explicit reservation regarding the rights of the Holy See and its temporal dominion; indeed, there has been no lack of those who have dared openly to assert that it is prudent to remain silent for the present about the temporal power of the Roman Pontiff, in order to claim it later, when the people will have been sufficiently enlightened by Christian democracy. I need not tell Your Eminence that neither one nor the other deserves approval. In order that the so-called Roman question may always remain alive in the consciousness of the people, and that the future may be reserved to the designs of Divine Providence, it is necessary that Italian Catholics not let any opportunity pass to clearly affirm their convictions on this most important point, and to claim the freedom and territorial independence for their August Head, following the example of Catholics from other countries, and in accordance with the constant teachings of the Holy See; firmly convinced that the temporal dominion of the Pope, if necessary for the free exercise of ecclesiastical power, would also contribute to the moral union of souls and to the external security of the homeland. The Holy Father has ordered me to communicate all of this to Your Eminence, so that, with your prudent judgment, you may take those measures and give those warnings that you deem necessary in

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the territory entrusted to your pastoral zeal.

[*Latin ed. p. 268*]

268 FROM THE SECRETARY'S OFFICE, a more suitable method to prevent the recurrence of the aforementioned inconvenience. Kissing Your Eminence's hands most humbly, with sentiments of profound veneration, I proceed to reaffirm my obedience. From the Vatican, October 21, 1901.

With divine favor, Most Reverend Cardinal RAMPOLA.

Following the political changes in the Philippine Islands, it was deemed necessary to make certain modifications and reforms in ecclesiastical discipline; which the Most Holy Father Leo XIII undertook through a certain Bull.

LEO P.P. XIII.

For the preservation of the memory of these things.

Those islands, surrounded by the vast ocean, which are widely known as the Philippines, having received their name from Philip II, King of Spain, were scarcely opened by Hernando de Magalhaes at the beginning of the sixteenth century; immediately, with the most holy Cross fixed on the shore, they were consecrated, and certain seeds of the Catholic religion were sown.

From that time onward, for the Roman Pontiffs, and especially for Charles V, King of Spain, nothing was more important than to convert those inhabitants, living in the worship of idols, to the faith of Christ.

And with the help of God, through the zealous efforts of members of various religious orders, this was accomplished with remarkable success; so that within a short period of time, it became possible to consider appointing a young man as the head of the Church, and to establish the episcopate of Manila.

The auspicious beginnings were followed by a full and complete development. Through the concord of Our Predecessors and the Kings of Spain, slavery was abolished, schools and disciplines of literature and the arts were established, magnificent temples were built and endowed, and the number of dioceses was increased; so that the people and the Church of the Philippines deservedly excelled in the splendor of their civil life, in the dignity of their religion, and in their studies. Thus, thanks to the protection afforded to them by the Kings of Spain, and to that which they received from the Romans...

[*Latin ed. p. 269*]

FROM THE SECRETARY'S BRIEF [269]: "Under the patronage of the prelates, and in order to regulate affairs in the Philippine Islands, the Catholic religion was being administered. But it happened that the

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outcome of the public affairs did not so long ago bring about the conversion of those lands, nor did it bring about peace. For, after the Spaniards relinquished their dominion, the patronage of the Spanish Kings ceased. This occurred so that the Church might attain a condition of greater liberty, with the rights and safety of each preserved. – To this new state of affairs, so that the vigor of ecclesiastical discipline might not be harmed thereby, it was necessary to diligently and without delay inquire into the manner and the measures that would be appropriate. Therefore, We sent the Venerable Brother Placidus Ludovicus Chapelle, Archbishop of New Orleans, Our Delegate, with an extraordinary mission, to the Philippine Islands, that he might, after examining the affairs there and learning what support was lacking, report to Us in an orderly manner. He indeed fulfilled the office entrusted to him with confidence; and therefore, he is worthy of our praise and honor. Later, it happened that, under the auspices of the government of the United States of America, he began to confer directly with this Holy See concerning the manner of resolving certain questions pertaining to the Catholic religion in the Philippine Islands. We, with a willing spirit, fostered these beginnings, and with the aid of the novelty and moderation of the negotiations, it became clear that a path to a settlement was being opened, which now must be pursued in that very place. Therefore, those matters which, after having been considered with the advice and counsel of certain Cardinals of the Holy Roman Church, who are entrusted with the extraordinary affairs of the Church, were deemed most beneficial to the interests of the Church in the Philippine Islands, We decree and publish by this present Apostolic Constitution, hoping that those things which We establish by Our supreme authority may be observed with zeal and holiness, with the favor of the public government and with justice. I. – Concerning the new circumscription of dioceses. – First of all, it is fitting and proper to speak of the amplification of the sacred hierarchy. As We have said, the Manila diocese was established by Gregory XIII for the purpose of gradually increasing the number of native faithful who would receive the sacraments of the Catholic religion; and then, when people arrived from Europe, Clement VIII considered it necessary to increase the number of bishops who would preside over them. Therefore, the Church of Manila was raised to the rank of an archdiocese, and He wished that three established dioceses, namely Cebu, Cáceres, and Nueva Segovia, should have bishops as suffragan bishops. Furthermore, in the year 1865, the diocese of Jaro was added. However,..."

[*Latin ed. p. 270*]

270 FROM THE SECRETARY'S OFFICE, concerning the dioceses: Given the distance between these places, and the difficulty of travel, it scarcely happens that the Bishops can visit them except with great effort. Therefore, it is necessary that, taking advantage of opportunities, we define the

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boundaries of the older dioceses more precisely, and that we add others entirely. Therefore, preserving the Archdioceses and dioceses of Cebu, Caceres, Nueva Segovia, and Iloilo, we add and establish four more dioceses: namely, Lipa, Tuguegarao, Capiz, and Zamboanga, all of which, as are the others, are suffragan dioceses of Manila. Furthermore, in the Marian Islands, we establish an Apostolic Prefecture, which shall be subject to Us and Our Successors, without any intermediary.

II. Concerning the Metropolitan and Suffragan Bishops. The title of Metropolitan, which is bestowed, exists in the Philippine Islands with only one Archbishop: the Archbishop of Manila; all the other Bishops, whether they hold ancient sees or newly established ones, ought to be subject to him, in the office and name of suffragans. The laws of the Church determine by what rights the Metropolitan enjoys, and by what duties he is empowered. We wish, indeed, that these laws be observed inviolably, and we also wish that the bonds of holy friendship and charity be always present between the Metropolitan and the suffragans, and that these bonds be strengthened day by day through mutual duties, the exchange of counsel, and especially through frequent meetings of the bishops. For the greatest benefit to the people is the concord of their pastors.

III. Concerning the Metropolitan Chapter and the Chapters of the Suffragan Churches. The collegiate body of canons is the honor and splendor of the Metropolitan Church. The stipends which the canons individually received from the Spanish government were, in the future, to be determined, as the Apostolic Delegate will see and suggest. If, due to a lack of revenue, the number of canons that existed cannot be maintained, then it should be reduced to a smaller number, so that, after deducting those who come by reason of their office, at least ten canons remain. The Archbishop, however, freely and without restriction confers the aforementioned dignities and canonries, and all other benefices in the Metropolitan Church, except those which are reserved to the Apostolic See by common law, or which are under the patronage of anyone.

[*Latin ed. p. 271*]

From the Brief, No. 271, it is stipulated that certain positions are subject to competition and specific conditions. Furthermore, we strongly advocate for the establishment of colleges of Canons in cathedrals and other churches. Until this can be fully realized, Bishops should have advisors, virtuous men, learned in theology, experienced in the administration of affairs, and chosen from among the clergy, just as in other dioceses that lack such a body of Canons. In no case should the dignity of the sacred rites be diminished in cathedral churches that lack a Chapter; the aforementioned advisors will assist the Bishop in his duties. If any impediment arises, the Bishop shall provide other clerics, both secular and regular, who are more suitable.

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V. – Concerning a Vacancy in Suffragan Dioceses. – If a Suffragan Diocese, lacking a college of Canons, experiences the death of its Bishop, the Metropolitan shall administer it; if he is absent, the nearest Bishop shall take charge, but in any case, a Vicar shall be appointed as soon as possible. In the meantime, the general vicar shall administer the diocese.

V. – Concerning the Secular Clergy. – Since it has been clearly demonstrated through experience that the native clergy are very useful, Bishops diligently strive to increase the number of native priests; however, they must first be thoroughly instructed in piety and discipline, and must be deemed suitable for the ecclesiastical duties to which they will be assigned. Those who prove to be more capable through experience shall be gradually promoted to more important positions. It is especially important that those in the clergy never allow themselves to be distracted by worldly pursuits. Although the law forbids anyone from serving God who is involved in secular affairs, for reasons related to the times and circumstances, we deem it necessary to discourage this practice among men of the sacred order in the Philippine Islands.

Furthermore, since the unity of purpose is the greatest force for achieving great and useful things, for the good of religion, all priests, without exception, whether they are of the secular clergy or are members of religious orders, must strive diligently to maintain this unity. It is fitting that those who are one body, one head in Christ, should not envy one another, but should be of one mind, loving one another with fraternal charity. To promote this charity and to maintain discipline equally, Bishops should diligently convene synodal assemblies, as the circumstances of each place require.

[*Latin ed. p. 272*]

272 FROM THE SECRETARY'S NOTES. A brief period of time will easily suffice for all to feel united and to act in unison. It is never to be conceived that the fervor of the clergy should diminish, and that the virtues worthy of the priesthood should be lost or lessened; rather, the pious institution of Spiritual Exercises greatly benefits us. Therefore, let Bishops see to it that those whom the Lord has called, at least every third year, withdraw to a suitable place for meditation on eternal things, so that they may cleanse themselves from the dust of the world and renew their ecclesiastical spirit. Furthermore, it must be striven that the study of sacred disciplines flourish frequently among the clergy, for the lips of the priest guard knowledge, so that he may be able to teach the faithful who seek the law from his mouth. Nothing, however, is more suitable for this purpose than frequent discussions, both on matters of morals and on liturgical questions. If, however, journeys, the number of priests, or other similar causes prevent such gatherings, it will be best if the questions of concern to them are written down and submitted to the Bishops at a designated time.

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VI. – Concerning Seminaries. How much the Church benefits from seminaries, in which young men are educated for the priesthood, can be seen from the decree of the Council of Trent, by which these were first instituted. Therefore, Bishops ought to expend all effort and diligence to ensure that in their own dioceses they have a house in which young men, recruits for the sacred military service, are received and formed in piety and in both minor and major disciplines. It will be more suitable, however, if those young men who are studying letters are housed in one building; while those young men who, having completed their studies in letters, are engaged in philosophy and theology, are housed in another. In both cases, the students should remain there continuously until, if they are worthy, they are ordained; never, unless for a very serious reason, should they be granted leave of absence. The Bishop is best suited to manage the seminary, whether it is for secular clergy or for regular clergy, since he possesses the prudence necessary to govern and to promote both their lives and their sanctity. Moreover, many decrees have been issued by Us and Our predecessors, which abundantly teach how the studies should be ordered in the sacred seminaries. If, however, a seminary is lacking, the Bishop will take care to have the young men of his diocese educated in the seminaries of neighboring dioceses. Furthermore, Bishops shall not permit the seminaries to be open to anyone except those young men.

[*Latin ed. p. 273*]

From the Secret Briefs, 275: Bishops are to dedicate themselves to the emancipation of souls through the sacred orders. Those who desire to establish seminaries for civil duties, or, if they are unable, houses which may be called convents or episcopal colleges, must take great care, according to the Apostle's precept, that no one be hastily ordained a Bishop; but that those who are to be dedicated to the sacred ministry and to the administration of sacred things be carefully chosen, and that they possess the necessary knowledge and virtue to be of service to the diocese and to the people. Furthermore, they must not allow themselves to be drawn into worldly affairs; but, in order to avoid idleness and to continue the study of sacred sciences, it is advisable that those who have received the priesthood for at least five years be subjected annually to a rigorous examination in dogma and morals, before learned and upright men. Because the Roman See also desires to provide instruction in higher disciplines to young men from the Philippine Islands, it will be pleasing to Us if Bishops will send here, under their direction, young men selected for this purpose, who, having acquired the knowledge of religion in the very center of truth, may usefully communicate it to their fellow citizens. This Holy See, for its part, will take care to provide opportunities to promote the better education and the better ecclesiastical formation of the secular clergy, so that at all times a suitable person may be found to undertake the duties of the regular clergy

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in the pastoral ministry.

VII. – Concerning the Religious Education of Boys and the University of Studies in Manila. – It is necessary that the efforts of Bishops should not be limited only to ecclesiastical seminaries: for young men are also entrusted to the care and concern of lay institutions, which maintain other schools. Therefore, it is the sacred duty of the prelates to see to it that the minds of young people, who are instructed in various branches of learning, do not lack the knowledge of religion. In order that this may be properly imparted, let the Bishops see to it that the teachers appointed to this task are worthy, and that the books used are free from any taint of error. Since the matter concerns public schools, we cannot but praise the great Lyceum of Manila, founded by the Dominican Fathers with the authority of Innocent X. Because it has always flourished with the integrity of its teaching and the excellence of its professors, and has not produced meager results, we desire not only that it be well regarded by the Bishops, but that it be placed under our protection and that of our successors. Therefore, confirming fully the privileges and honors granted to it by the Roman Pontiffs Innocent X, XI, and Clement XII, as recorded in the Acts, Volume XXXV, section GDX1I1.

[*Latin ed. p. 274*]

274 FROM THE SECRETARIAT. We wish that the aforementioned brief of the Pontifical University, in which the degrees and academic qualifications conferred therein are enumerated, may possess the same validity as those obtained in other Pontifical Universities.

VIII. Concerning Religious Orders. Recognizing the opportunities for new advancements in that region, and desiring to provide for religious men who are dedicated to the proper advancement of their Institute, entirely devoted to the works of the sacred ministry, and conducive to the improvement of morals and the Christian and civil peace, this Holy See establishes the following: We commend to religious families that those who, having undertaken certain vows, fulfill their offices faithfully, giving offense to no one. We decree that the laws concerning enclosure be observed inviolably; for this reason, we wish to reaffirm the decree issued by the Congregation for Bishops and Regular Canons on July 20, 1731, which Our predecessor, Clement XII, confirmed by his apostolic letters on August 26 of the same year. Furthermore, the norms concerning enclosure, which are established in another decree issued by the Sacred Congregation for the Propagation of the Faith on August 24, 1780, with the approval of Pope Pius VI, are to be observed. Moreover, religious men who are present in the Philippines must diligently respect those whom the Holy Spirit has placed to govern the Church, and, joined with the secular clergy in the closest bond of concord and charity, they should devote all their efforts, along with their associates, to the edification of the Body of Christ. Furthermore, we wish that the Constitution *Firmandis*, issued by Benedict XIV on October 8, 1744, and

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also the decrees of the Roman Pontiffs, by which, on October 8, 1881, We ourselves defined certain points of controversy between Bishops and Regular Missionaries in England and Scotia, be observed in the Philippines as well.

X. Concerning Parishes. The Bishop shall see to it that parishes are assigned to Religious Families, after having heard the opinions of the superiors of those Families. If any disagreement arises, it shall not be settled privately, but the matter shall be referred to the Apostolic Delegate.

X. Concerning Missions. In addition to those matters which the Church, as a teacher, prudently warns against for the sake of faith, morals, and the eternal salvation of souls, the following are also of the greatest utility.

[*Latin ed. p. 275*]

FROM THE SECRETARY'S BRIEF 275: Concerning the spiritual exercises and missions commonly undertaken. It is, therefore, most desirable that, in each province, at least one house be established, accommodating eight or ten Religious men, to whom the sole task is assigned of visiting towns and villages, and by this very method, of edifying the people through sacred sermons. This is, indeed, most useful, and indeed necessary, for those who have not yet embraced the light of the Gospel. Wherefore, let Bishops and priests be diligent in caring for the conversion of those peoples who still encounter the barbarity of the worship of idols. Moreover, among these, stations should also be founded for priests who will perform the apostolic ministry, not only to convert them from idolatry to the Christian sacraments, but also to devote themselves to the instruction of youth. These stations should be so organized that, at the opportune time, they can be transferred to Prefectures or Apostolic Vicariates. Furthermore, so that those who are occupied with sacred duties there may not lack what is necessary for sustenance and the promotion of the faith, let special groups of men and women be established in each diocese, indeed, in the Lugdunum Institute, which is called the Propagation of the Faith, who will collect alms from the faithful and hand them over to the Bishops, to be distributed in equal measure to the missions.

XI. – Concerning ecclesiastical discipline. Nothing contributes more effectively to the esteem in which the clergy are held by the faithful than if the priests who preach the word also exemplify it in their actions. For, as the Council of Trent says, "the examples of the times occupy a higher place than words," and the people, as in a mirror, direct their gaze towards them and imitate what they see. Therefore, it is fitting that all clerics should so arrange their lives and manners that in dress, gesture, gait, speech, and in all other things, they present nothing but gravity, moderation, and piety; and that they should avoid even minor faults, which, in themselves, might be great, so that all their actions may inspire reverence.

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However, in order to promote the restoration of this ecclesiastical discipline, and to ensure the execution of this Our Constitution, We send to the Philippines, Our extraordinary Apostolic Delegate, the Most Reverend Brother John Baptist Guidotti, Archbishop of Stauropoline, to carry out Our intentions there. To him, therefore, We grant the appropriate faculties; moreover, We have given him instructions to convene and celebrate a provincial synod as soon as circumstances permit.

[*Latin ed. p. 276*]

276 FROM THE SECRETARY'S OFFICE OF BREVES, TWELFTH. – Peace of mind and reverence must be maintained towards those who are in authority. It remains only to address the inhabitants of the Philippines with paternal charity, and to urge them with all the insistence we can, to preserve unity in the bond of peace. This is the duty of Christian profession: for fraternity in Christ is greater than fraternity of blood; for fraternity of blood refers only to a similarity of the body, whereas fraternity in Christ demonstrates unanimity of heart and soul, as is written: "And the multitude of believers had but one heart and one soul. Neither did any one say that aught of the things which he possessed was his own." (Acts 4:32). This demands the good of religion, which was the primary source and origin of those praises by which the people of the Philippines flourished in times past. Finally, this demands sincere love of country, which from public disturbances will gain nothing but damage and detriment. Those who hold authority must be revered, for all power comes from God. And although they are distant from us by the vastness of the oceans, let them know that they are in the faith of the Apostolic See, which, as it embraces them with its special affection, will never abandon care for their own interests. We decree, therefore, that these our letters shall never be considered to have been written at a time of deception or under the influence of deception, or with any intention of ours or any other defect, and that they shall always be valid and firm, and shall obtain their full effect, and shall be observed inviolably, notwithstanding any apostolic and synodal, provincial, and universal councils, general or special, sanctions, nor ancient decrees of the Philippines and the Mission established there, nor the pious customs or privileges of any churches in those places, nor oaths, nor Apostolic confirmations, nor any other means of strengthening, nor anything contrary to the foregoing; in all of which we expressly derogate. Furthermore, we decree and declare that, in the same way, any attempt to impugn these things, whether knowingly or unknowingly, shall be of no effect. We wish that these letters, even when printed, should have the same force and validity as if they were written by hand, subscribed by the public Notary, and sealed with the seal of a man of established ecclesiastical dignity. No one, therefore, is permitted to alter this page of our erection, constitution, restoration, dismemberment, suppression,

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designation, addition,

[*Latin ed. p. 277*]

FROM THE SECRETARY OF BREVIUM 277, to infringe upon, or to violate, a decree, mandate, or the will, or to dare to act presumptuously against it. If anyone should presume to attempt these things, let him know that he will incur the indignation of the Almighty God and of the blessed Apostles Peter and Paul. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the 17th day of September, in the twenty-fifth year of Our Pontificate. L. * S. CARD. ALOIS. MACCHI.

FROM THE HOLY CONGREGATION OF THE COUNCIL CERINIOLEN. REGARDING IRREGULARITY DUE TO A PHYSICAL DEFECT. On the 20th of December, 1902. Vincent, a cleric of the diocese of Ceriniolen, already initiated into the order of subdeacon, having been found to suffer from the vice of irregularity due to a physical defect, is prohibited from ascending to higher orders. The Curial Chancellor reports in a letter dated July 17, 1902, regarding the defect that affects him in the body: "The cleric Vincent, in addition to suffering from a nervous condition, as evidenced by the attached documents, also suffers from strabismus, so that his appearance is such as to provoke laughter at first glance. Indeed, there was a time when the boys, who are always very sincere, upon encountering him in the streets, would stop to look at him with a certain expression of surprise and insult. Furthermore, the cleric is extremely excitable, and for minor contradictions he becomes agitated and childish to the point of being incompatible in a boarding school; and for this reason, last school year, he had to spend time with the Bishop of Foggia."

COMPENDIUM OF THE FACTS.

[*Latin ed. p. 278*]

278 From the Most Reverend Council, Signor Mola, who, in order that the aforementioned Cleric might avoid every possible difficulty, did not allow him to attend school with the other students, but had him receive private lessons in Theology from his own Vicar. And in Foggia, the same Most Reverend Bishop recognized in the Cleric excellent moral qualities, sufficient intellectual qualities, and somewhat improved health. It is further added that the Cleric is stuttering, and speaks well if calm, but with great difficulty if agitated or moved; in any case, however, the form of consecration is always pronounced by him without substantial alteration, and perhaps even accidental; because there is a small interval between word and word, but almost never between syllable and syllable of the same word. All these defects, however, are largely compensated for by a great goodness of spirit, a singular piety, and a truly exemplary purity of morals. Therefore, humble petition is made to Your Holiness for a dispensation

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from this irregularity, "lest we be too cautious." The Bishop, having been questioned about his opinion, stated: "Although I am deeply convinced of the necessity of the dispensation, I am equally favorable to its granting, since we are dealing with a subdeacon, who cannot go back, as the father would wish in the event of a refusal of grace. His conduct is so edifying that it easily makes the physical defect less noticeable. The people would feel greater admiration if indulgence were not shown. If, finally, a cure is not to be hoped for, it cannot, however, exclude the hope of further and more satisfactory improvement." The Bishop of Foggia testified to the same: "The subdeacon Gerard, belonging to the Diocese of Cerignola, has been in the Seminary of Foggia this academic year, which is now drawing to a close, with the consent of his Most Reverend Bishop, Monsignor Struffolini, because the climate of Foggia is less harsh and more conducive to his health."

[*Latin ed. p. 279*]

GERLMOLEN. 279 "It is affirmed to me that during the time he spent in his Seminary at Ascoli, certain epileptic-like events occurred in him; but these do not appear to have been of great severity; for he was already ordained subdeacon by the late Monsignor Cocchia, predecessor of the aforementioned Monsignor Bishop Struffolini. "During this year that he has been in Foggia, with the exception of some slight and common indispositions, he has always been well, as I am attested by the physician of the Seminary itself. "Only occasionally is a certain excessive nervous susceptibility observed in him, and sometimes a slowness in speaking; but not to the extent that it prevents him from the exact recitation of the Divine Office, or from properly pronouncing even the most sacred words of consecration, of which I myself have wished to have experience. "By his goodness, by his piety, and by his observance of the rules of the Seminary, he has always been most worthy of praise, becoming a good example to his companions and deserving the esteem of all. "He has already completed the course of dogmatic and moral theology, as best he could, more through the force of diligent study and good will, than through an intellect which is rather meager in him; but not to the point of rendering him insufficient. "He is more than the canonical age to ascend to the Diaconate to which he aspires." The physician, Iacobus Velia, testified this on June 14, 1902. "I attest that Gerardo, a seminarian from Cerignola, aged 23 years, has a good skeletal development, strabismus, a head inclined to one side, and speech that is not well articulated. He is subject to tremors that extend to the entire muscular system, provoked by slight psychic excitements. In severe psychic excitements – reprimands from Superiors, fear of not passing the examinations – he is afflicted by violent headaches and impulsive movements, which, however, do not escalate to the point of coming to blows, followed by a

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feeling of depression as if consciousness were obscured. The faculties..."

[*Latin ed. p. 280*]

280 From the mental examination by the Council, his faculties are poorly developed and not suited to assimilate a serious education. In conclusion, the aforementioned cleric is a hereditarily neuropathic individual with an irritable nervous system, exhibiting slight impulsive movements and a tendency towards epileptic forms – mental deficiency. "It seems to me that this condition, as it is, will remain static." "I issue this report at the request of and for the use of ecclesiastical authorities." The Vice-Rector of the diocesan seminary, on the same day, stated the following: "I have known the seminarian for three years, and in his private life within the seminary, I have observed in him a very nervous disposition, tending almost towards epilepsy. "Although I had noticed in him a strong will to study and an inclination towards piety, I have always found him incapable of undertaking significant mental tasks. "During moments of intense nervousness, he almost lost consciousness, and at times was even unable to utter a word. "He was often overwhelmed by a persecution mania so violent that it led him to furious acts against his companions. "This was the reason that, last May, I decided to dismiss him from the seminary, with a certificate from Dr. Velia, the institute's physician, which attested to his unsuitability to live in the seminary. "This is all that can be said regarding the aforementioned subdeacon." Synoptic Report. From these testimonies, it appears that the aforementioned subdeacon should be kept from the diaconate and the priesthood, as he is irregular. Furthermore, the Chancellor of the Curia testifies that he is deformed in appearance and in the bearing of his body.

[*Latin ed. p. 281*]

CERINIOLEN. 281 Indeed, what was a precept of the Old Law, the Church wished to be observed even in the Priesthood of the New Law, nay, even more strictly, because the Priesthood of Christ is more holy. It was commanded in Leviticus XXI, 17 and following: "Speak to Aaron, saying: Let no man of your seed, who has blemishes, offer bread to his God, nor come near to his ministry; if he is blind, or lame, or has a crooked nose, or a broken foot, or a maimed hand, or a hunchback, or a scald, or any skin disease, or is afflicted with herpes, or has a blemish in his forehead, he shall not eat of the holy bread." Furthermore, the ceremonial law of the Old Testament, through the death of Christ, was abolished; yet, certain bodily defects, by divine natural law, and others by the positive law of the Church, exclude from the sacred ministry. Therefore, those with bodily infirmities are prohibited from receiving Holy Orders, because, as Pope Eugene said in chapter 7, *De clerico aegrotante vel debilitato* ("Concerning a cleric who is sick or weakened"), "we do not believe that this [ministry] can be performed either securely because of weakness, nor without scandal

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because of deformity." Also, Saint Alphonsus teaches in *Moral Theology*, book VII, number 404; Reiffenstuel, book V, title 37, number 80. Finally, from chapters 3 and 4, *De clerico aegrotante* ("Concerning a sick cleric"), those who suffer from any deformity are prohibited from celebrating [Mass] because of the scandal and abomination of the people. Indeed, the Chancellor of the Curia reports: "that the young boys, when they encounter him in the streets, stop to look at him with a certain expression, between surprise and insult." On the other hand, a dispensation from irregularity seems to be permissible, at least for caution's sake. I say at least for caution's sake, because in this matter, the irregularity is doubtful; indeed, if this subdeacon is not blind or afflicted with ophthalmia, not lame, not hunchbacked, not deaf, not mute, nor weakened in his members, but rather is deformed more from a lack of due proportion in the parts of the body than from a bodily defect, or lacks some beauty. — Nor can it be said that he suffers from some physical or moral defect, and especially from epilepsy; for doctors say that it can easily be excited by excessive sensitivity of the nerves, and that sometimes a person may appear to be afflicted with epilepsy, but no one has reported that he has succumbed to this disease.

[*Latin ed. p. 282*]

282 FROM THE DECREES OF THE HOLY GENERAL COUNCIL. Indeed, the physician who provides his services to the Seminary of Fodi testifies on June 12, 1902: "I can affirm that the student Gerard, a subdeacon, during the academic year 1901-1902, was never afflicted with epileptic seizures or other similar forms." However, it is known that even weak and feeble nerves can easily and ordinarily recover and strengthen in adulthood, and after the course of studies is completed, when the mind rests tranquilly in the attainment of its desired goal. Truly, it would be endless if I were to recount the examples of dispensations granted by the Holy See to young clerics who were epileptic in their youth and adolescence; thus, in Reatina and Sutri, on May 14, 1834; in Treviri, on June 1, 1868; in Fulginata, on January 23, 1806. Finally, the matter is not about promoting something, but about something that is already promoted, and the Holy See has always shown itself more lenient in relaxing the bonds of irregularity with those who have already been initiated into the sacred ministry; for it is more shameful to reject than to admit a guest. With these considerations, the question was raised as to what should be answered to the petitioner. RESOLUTION. After discussion by the Holy See on December 20, 1902, it was decided to respond: provided that there is a need of the Church, no one should be treated with irreverence in the performance of the sacred rites, nor should there be an opportunity for scandal or admiration, at the discretion and conscience of the Bishop. LISBON. REGARDING CUSTOMS IN LITURGICAL MATTERS. The question, already presented at length in

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Volume XXIV, page 507, was again raised and, by a decision, was dismissed in accordance with the aforementioned.

[*Latin ed. p. 283*]

283 FROM THE CONGREGATION OF BISHOPS AND REGULAR CANONS OF COMPOSTELLANA CONCERNING FUNERALS, August 1, 1002. SUMMARY OF THE CASE. On November 22, 1901, in the city of COMPOSTELLANA, Braulius Martínez passed away, who, in his will, had stipulated that proper funeral rites should be performed for him, as he had already made known to his heirs. Desiring to fulfill the will of the deceased, the heirs requested the Brothers Minor to perform the proper funeral rites in their church and to accompany the body to the cemetery, excluding the intervention of the secular clergy. However, it must be known that, according to the Spanish civil *leges*, the bodies of the deceased cannot be brought into churches, but must be taken directly to the public cemetery. Therefore, since the common law could not be applied, the Regulars proposed to the parish priest of SS. Fructuosi and Susannae, whose son was the deceased, that the body be taken from his house by the parish priest and delivered to the Religious before their church, for the purpose of accompanying it to the cemetery; the parish priest, on the other hand, claimed the right to take the body and to carry it directly, under his own cross, to the cemetery. To reach an agreement, the Archbishop proposed that the body be accompanied by both the parish priest and the Regulars, under the parish priest's cross. However, neither the parish priest nor the Archbishop accepted this proposal; therefore, the accompaniment of the body was carried out solely by the parish priest, and the funeral rites were performed by the Regulars in their church. But, in order to avoid similar cases in the future that might lead to disputes, the following questions were proposed to the Congregation of Bishops and Regulars, with the consent of the parties involved, for the resolution of the matter: the advocates of the parties, and so on.

[*Latin ed. p. 284*]

284 From the Decrees of the Councils, the Epistles, and the Canons, it has been deduced, but since the matter concerned a controversy whose decision would affect the entire Hispania, it seemed most prudent to publish the carefully considered opinion of the Most Reverend Prelate, Secretary of the aforementioned Congregation, which, omitting a summary of the arguments of the parties, we have judged it better to make public, all the more so because the Holy Congregation itself has followed it in all respects. OPINION OF THE MOST REVEREND PRELATE, SECRETARY OF THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS. In order that these preliminary remarks may satisfy, as far as possible, the requirements of brevity and clarity, which are incumbent upon me by

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the office entrusted to me, I consider it necessary to state the following: 1. Regarding the common law, it pertains to the parish priest the right to bury and inter the bodies of his own parishioners, whenever the deceased does not choose burial in another church, or does not have a family burial plot. 2. In this case, when burial is chosen, either of a burial place already existing or of a family burial plot in a church other than the parish church, the rights pertaining to the funeral rites between the deceased's parish priest and the church where the burial takes place are determined by ecclesiastical ordinances and decrees as follows: a) The parish priest is to carry the pall, remove the body from the house, and lead the funeral procession to the door of the church where the burial will take place, whether it be a secular or a religious church. b) To the Religious, in whose church the deceased is to be buried, it belongs, together with the parish priest, to go from the parish church to the house of the deceased, and, after the body has been removed by the parish priest, to accompany it to their own church for burial; however, if they wish, they may wait at the door of their church, without joining the funeral procession. c) It also pertains to the Religious to perform the offices concerning the body of the deceased, after it has been brought inside their church, and to bury it. d) Finally, with regard to the cross, only one cross is to be carried in the funeral procession, notwithstanding even the most ancient custom; namely, the cross of the church where the burial takes place; therefore, if the deceased is to be buried in a religious church, and the Religious accompany the parish priest in the funeral procession, only the religious cross of the convent is to be carried.

[*Latin ed. p. 285*]

COMPOSTELLANA 285 is to be observed, and the parish priest himself is bound to follow it; unless, however, the Chapter of the cathedral or collegiate church is present, to whom the exclusive right belongs to raise the cross. 3. Matters stood thus until the erection of public cemeteries; for with the establishment of public cemeteries, and with the law made that all bodies should be buried in them, controversies arose among the parish priests and churches concerning funeral matters, which, in order to have their roots eradicated, were most carefully brought before the Holy and Sacred Councils. It was decided that the rights of churches were not abolished by public cemeteries, but only that the place in which the churches exercised their right was changed; so that just as they previously enjoyed this right in their own burial grounds, so afterwards they would enjoy it in the public cemeteries. Therefore, it was decreed that the previously established rights and privileges concerning the deceased should remain in force for those who choose to be buried by them, but in addition, the exclusive right to associate the bodies of the same deceased with their own churches to the common cemetery, and to perform all other things there that are done in the burial of bodies, should belong to them; and this even

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if they do not have a burial place of their own in the cemetery. 4. With this, the ecclesiastical legal provision came to an end. But the civil law of Spain concerning funeral matters did not stop here; for not only was it made obligatory to bury all deceased in the common cemetery, but it was also decreed that the same bodies, before they could be brought to the church, should be taken directly from the house of the deceased to the public cemetery. 5. In order that the solution of these new controversies may proceed more expeditiously, it seems to me that two fundamental criteria should be kept in mind: 1.) The rights and privileges mentioned above concerning funeral matters belong to the Regulars by reason of the church in which the burial takes place;

[*Latin ed. p. 286*]

286 FROM S. G. EPISTLES AND DECREES. 2.) The public cemeteries, established by public laws, possess rights and privileges which, although they cannot be exercised within the church itself, are considered to be transferred, insofar as their exercise is concerned, to these very public cemeteries. From this, it seems to me, the path to resolving the question under consideration lies in extending the established criteria to further consequences. What, then, is the impediment presented by the aforementioned civil law of Spain, which prevents the exercise of the rights pertaining to funerals, as regulated by ecclesiastical law between the parish priest and the religious order of the church where the burial takes place? It is a simple fact that the body must be transported directly from the deceased's home to the public cemetery. However, this fact, as is evident, does not impede the right of the religious order to receive the body at the entrance of the church where the burial takes place, and to then, after the proper funeral rites have been performed, transport it to the public cemetery. Therefore, just as, in the case of the erection of public cemeteries, the same civil law now prevents the exercise of this right within the church, it seems that the analogy of law naturally requires that, following the same interpretative criterion established by the Holy See at that time, and now insisted upon, we should consider the exercise of this right, though changed in location, to be transferred from the church where the burial takes place to the public cemetery. Furthermore, all other rights and privileges, which, despite the aforementioned civil law of Spain, can be exercised as established by ecclesiastical law, ought to remain unchanged. Hence, the conclusion, as I believe, is as follows: a) The parish priest is responsible for carrying the pall, removing the body from the house, and leading the funeral procession up to the entrance of the public cemetery; for the right of the parish priest to lead the funeral procession of his parishioner is not impeded, except by the right of the church where the burial takes place to allow the parish priest to enter within its precincts. However, as we have said, the exercise of this right, prohibited by civil law, should be considered to be transferred to

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the area of the public cemetery. Therefore, the right of the parish priest to lead the funeral procession can only be impeded by the right of the church where the burial takes place at the entrance to the cemetery. - b) To the religious order, in whose church the burial takes place...

[*Latin ed. p. 287*]

COMPOSTELLANA 287: The obligation to perform the funeral rites belongs to the parish priest, who has the right to perform the proper funeral rites within his own church, along with the parish priest from the parish church, to enter the house of the deceased, and, with the body carried by the parish priest, to accompany it to the public cemetery; however, if they wish, they may wait at the gates of the cemetery, without being obliged to attend the funeral procession. - c) Similarly, it pertains to the Regular clergy to receive the body at the gates of the cemetery, and to perform all that is customarily done in the burial of the body. - d) Finally, with regard to the cross, if the Regular clergy participate in the funeral procession along with the parish priest, as was the case before the civil prohibition, now only one conventual cross or the cross of the burying church must be carried, under which the parish priest must walk; unless the Chapter of the cathedral or collegiate church is present, to whom it exclusively belongs to carry the cross in the procession. Given these circumstances, I believe that the proposed question should be answered with the following instruction, which I humbly and sincerely submit to the wise judgment of the Most Reverend Fathers: With the foregoing premises, the following doubts were proposed for consideration. I. Given the civil laws of Spain, which permit the transportation of a body to a church between day and night, and after the deceased has chosen burial in a Regular church, with the body being carried by his own parish priest, does the right of procession and burial belong to the parish priest and the Regular clergy, or to both? And, to the extent that the answer is affirmative, to the third part, II. In what manner and in what place should the parish priest withdraw? HI. "Under which cross should this aforementioned procession be performed?" The resolution of the Sacred Congregation of Bishops and Regulars, in a general meeting on August 1, 1902, after careful consideration, answered: - To I, II, and III: Provision will be made by an Instruction (proposed by the Reverend Father Secretary), which is as follows. - "Considering the funeral rights, which have been carefully regulated by numerous decrees of the Holy See, all avenues seemed closed to questions that arise on the occasion of a burial chosen in a church other than the parish church..."

[*Latin ed. p. 288*]

288 FROM THE SACRED CONGREGATION: Regarding the ecclesiastical and regular rights concerning the burial of the dead, both before and after the erection of public cemeteries, disputes often arose between the

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parish priest and the religious order burying the deceased. However, since the civil law of Spain stipulates that the bodies of the deceased must be taken directly from the house of the deceased to the public cemetery, without first being brought to the church, new circumstances have arisen, giving rise to a new controversy between the parish priest and the religious order concerning the funeral rights pertaining to each. This matter having been brought before the Sacred Congregation for examination and resolution, through consultations with bishops and religious orders, the Most Reverend Fathers, after mature deliberation in the General Congregations held on July 25, 1902, considered it necessary to establish and decree the following: 1. The parish priest is to provide the pall, to carry the body from the house, and to lead the funeral procession to the entrance of the public cemetery. 2. The religious order of the church where the burial takes place has the right to perform the proper funeral rites within its own church; together with the parish priest, they may enter the parish church and proceed to the house of the deceased, and, with the body carried by the parish priest, join the funeral procession to the public cemetery; however, if they wish, they may wait at the entrance of the cemetery without being obliged to join the funeral procession. 3. It also pertains to the religious order to receive the body at the entrance of the cemetery and to perform all the customary rites pertaining to the burial of the dead. 4. Finally, if the religious order of the church where the burial takes place participates in the funeral procession together with the parish priest, only one conventional cross or the cross of the church where the burial takes place must be carried, and the parish priest himself must walk beneath it; unless the Chapter of the cathedral or collegiate church is present, to whom it properly belongs to carry the cross in the procession. And thus, the Most Reverend Fathers ordered that these things be observed, notwithstanding any contrary customs.

[*Latin ed. p. 289*]

289 FROM THE OFFICES OF THE VICARIATE OF ROME, A NOTICE concerning Christian Democracy, by order of His Holiness. The Vicar of Rome communicated the following interesting notice to the *Osservatore Romano*: ”It is well known that, on many occasions, the Holy Father promoted and encouraged the Christian popular movement, and especially through the Encyclical *Rerum Novarum* of May 15, 1891, in which He treated extensively of the rights and duties by which it is fitting that the two classes of capitalists and workers should agree with each other, and He indicated means and remedies derived from the Evangelical doctrines, the eternal and infallible norms of justice and religion, and eminently effective in removing all discord among the various orders of citizens. ’The fruits produced by the teachings contained in that memorable Encyclical are manifest to anyone who considers the increase received by the Catholic action in the area of economics and Christian charity. However, from the

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title of 'Christian Democrats,' which has been adopted by some Catholics, and imposed by others, controversies and deplorable disputes have arisen, leading to acrimony. This evil was effectively remedied by the principles and norms laid down in the Encyclical *Graves de communi* of January 18, 1901, which regulate the thoughts of Catholics on this subject, and make their action broader and more beneficial to society. 'Since some persist in certain doctrines and tendencies clearly reproved in that Encyclical, and wishing to protect the Catholic action from the resulting dangers, the Holy Father ordered the Sacred Congregation of Extraordinary Affairs to compile, with His prior approval, the Instruction *Nessuno ignora* of January 27, 1902, by which He also strengthened, made more compact, and secured the Christian popular or Christian democratic action.'" "In response to the repeated teachings of the Vicar of Jesus Christ on true and genuine Christian democracy, and to the norms given on the manner of extending its action, the young people offered their willing and energetic service; the older [members] also..."

[*Latin ed. p. 290*]

290 FROM THE OFFICES OF THE VICARIATE OF ROME, trusting in the ripening of faith, prudence, and wisdom, fruits of experience; but, unfortunately, some did not respond, as they ought, to such teachings, those who, through writings and conferences, had greatly contributed to the propagation of dangerous theories and controversies, although they had been repeatedly paternally admonished by ecclesiastical authority. "A discourse, delivered in the Republic of St. Marino on August 24th, concerning the very topic of Liberty and Christianity, especially saddened the paternal heart of the august Pontiff, to whom many Bishops, concerned about the harmful effects, believed it their duty to appeal for appropriate measures. "This discourse, carefully examined, was found to be reprehensible and deserving of censure. "It is also to be deplored to see that, contrary to these principles, various publications draw their inspiration from the same author of the discourse in St. Marino. "The Second Group of the Congress Movement, on the other hand, deserves the full trust of Catholics, because it is faithful to the pontifical teachings, and in particular to the instructions and regulations given by the Holy See on January 27th of the current year: which, independently of their perpetual doctrinal value, remain fully in force even in the part that concerns the simple reorganization of the Congress Movement, and the authority of the Second Group of this Movement. "This Notification, for a special purpose, is also communicated by the Holy Father to all the Most Reverend Ordinaries of Italy, for their guidance, so that their pastoral vigilance may protect the faithful against the theories and tendencies mentioned above, and so that the teachings and norms given in the Instruction of January 27th of the current year, in the Regulations of the Congress Movement and

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the related Appendix, may be fully known, frequently read, and faithfully observed by all classes of Christian popular action, reminding everyone that these documents are a splendid confirmation of the bright hopes that genuine Christian democracy inspires in the Holy See, which, with paternal and constant solicitude, protects it against the dangers that could render its works sterile." "Given in Rome, from the Vicariate, on September 23rd, 1902. PIETRO CARDINAL, VICAR. P. Can. CHECCHI, Secretary.

[*Latin ed. p. 291*]

291 FROM THE SACRED CONGREGATION FOR THE RITUAL: A minister, even if a cleric, may lawfully assist at Mass with singing among the Capuchins and direct the choir, but he is not to cleanse the chalice. The present Superior of the Minor Order of Capuchins in the Diocese of Racconigi, near Turin, with the consent of his Procurator General, humbly submits the following questions to the Sacred Congregation for the Ritual for resolution: I. Since the Sacred Congregation, on December 6, 1901, issued a decree stating, "The minister assisting at Mass with singing, according to Decree 3377, must be vested in sacred vestments, and must also cleanse the chalice," the question is asked: Can a simple cleric, performing all the other duties noted in the aforementioned decree, lawfully fulfill the office of assistant at a Mass with incense, according to the custom of this Order, without cleansing the chalice? II. Can the choir be thurified by the assistant or acolyte, as has been the practice up to now? And the same Sacred Congregation, after considering the report of the undersigned Secretary, and also a carefully considered opinion of the Liturgical Commission, decided to respond affirmatively to both questions. And thus it responded on April 18, 1902. D. CARD. FERRATA, Prefect, S. R. C. L. D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 292*]

292 FROM THE SACRED RITUALS OF VALENTINA. Concerning the Beatification and Canonization of the Servant of God, Mary Michael, foundress of the Congregation of the Handmaids of the Most Holy Sacrament and of Charity. Concerning the reputation for sanctity after death: The nature of true virtue is such that what was previously pleasing to the ear, vanishes with death and is completely erased from the memory of men. The glory acquired through virtue is never diminished by age, but is preserved by the tears and longing of the people, and is proclaimed by all. The opinion of sanctity, which had accompanied the name of Mary during her life, became much more renowned and widespread after she ascended to Heaven. They invoke her, as a most venerable mother, and as the protector and ornament of her institute, and declare her worthy to participate in eternal glory. Men of the highest rank and of the greatest distinction praise her, both for her dignity and for her teachings; the poor

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celebrate her, for the memory of her generous benefits never fades in their hearts; and all proclaim that, having been witnesses to the charity of the Servant of God, they hold in their hearts the extraordinary virtues of that woman. And they do not withhold any praise from her, but call the holy Mary, without doubt, to eternal happiness in Heaven, and to the eternal reward of glory; and they strive to offer the worship due to her, to whom, according to the laws of the Church, it is not yet permitted to be privately enrolled among the blessed. And they ardently desire that, by the supreme authority of the Pope, she be raised to the celestial honors established, and that her name be added to the sacred annals of the Church. Therefore, with great hope, countless servants of God invoke Mary, and when oppressed by any calamity, they call upon her protection. And their prayers are not in vain; for those who invoke her, having fulfilled their vows, experience her help most readily. All seek her relics, images, and writings, and pursue them with the greatest devotion. Many religiously keep pieces of cloth that are said to have been worn by the Servant of God when she was about to depart this life. Others keep the bed on which she rested during her earthly life. Others preserve garments; others display other objects which, as tokens of love, satisfy their feelings of the deepest veneration for the Servant of God.

[*Latin ed. p. 293*]

FROM S. G. RITUUM 293: "Indeed, such a reputation for sanctity, which flourishes among both the noble and the humble, has never been more richly adorned, nor more diligently built up by the efforts of men. For it is founded on exceptional virtues and heavenly gifts, by which the Servant of God worked miracles and manifested splendor, as well as on remarkable wonders, which, God willing, she obtained through her prayers. Many are those who, moved by the desire for a more perfect life, strive to emulate her virtues, considering them as a model to be imitated. Those spurred on by the sharper goad of emulation, endeavor to work even more diligently, driven by a greater desire. And they say, 'If only we could imitate her,' hoping to attain such a height of virtue. Therefore, time, which consumes all things, has not only fostered this reputation, but has increased it day by day, for 'this fame of virtue goes from strength to strength,' and, having happily surpassed the seas, it reached the islands of the Philippines, whole and filled with the praises of all. Not only has time and distance been overcome, but also (which is the most important thing) human envy has been vanquished. For as many as lived who had seen the Servant of God in her life, so many afterwards became proclaimers of her virtues and sanctity. For this is the nature of true virtue, this is the glory of Christ's imitators, which does not die with death, but shines more and more brightly in the memory of all. And this is not surprising, since it is said of Christ: 'Before the Passion, He was sorrowful; ... but after He was killed, He shone forth

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more clearly and sublimely.' The miracles performed after her death, the countless and eternal joys with which Saint Michael enjoys in the heavenly kingdom, and the numerous wonders which she obtained after her death, are certain proof thereof. — But first of all, it is fitting to mention what happened beyond the laws of nature concerning her body. For when the relics of the Servant of God were opened a few years ago and placed in another place, they emitted a most pleasant fragrance! All who were present were filled with great delight by this fragrance. And even in the more recent opening of the tomb containing the relics, a fragrance arose. The faithful of Christ, as many as have seen tombs, or perceive it even today. — Furthermore, at the very time when the soul of the Servant of God was exhaling its most fragrant breath, a joyful and festive apparition was seen by a certain religious brother in the Philippines."

[*Latin ed. p. 294*]

294. From the records, a certain Antonius Lizarraga, a member of the Sacred Congregation of Rites, reported that, while attending a meeting, he saw, the day after a death, a soul ascending to heaven, resembling a white dove. He did not see her only in this way, but also appeared to her in human form on other occasions. A colleague, Michael, was suffering from severe stomach pains in the college in Matritensi, and he prayed that Mary might alleviate his suffering. Behold, Mary appeared to the vigilant colleague at night. The apparition was not in vain; a few days later, he was cured of his illness.

Another member, Emanuela, was lying in a house in Barcinonensi, abandoned by doctors. The night before, Mary appeared to her in a vision and instructed her to approach the sacred relics. She did so, to the astonishment of everyone.

During a cold winter, Aloisia, a teacher of students, was shivering. Suddenly, she felt a strong warmth. She saw the Servant of God, who showed her two students. One of the students had not confessed all her sins to the moderator. The Servant of God, having revealed herself, divinely admonished her. These and similar accounts, contained in the judicial records, sufficiently demonstrate why so many, in the midst of the most grievous trials, have invoked the Servant of God and found refuge in her.

It is said that Mary possesses a powerful intercession with God, as Sister Mathildes a Maria SSma experienced. She was suffering from a severe cyst in her left hand. The illness was grave. At the request of the abbess of the monastery, a novena of prayers in honor of the Servant of God was instituted. On the ninth day, her hand was found completely healed.

Twelve years ago, Sister Maria a Monteserrato was afflicted with a swelling near her nose, which was already threatening to consume the flesh. She invoked the help of the Servant of God, using novena prayers; she was immediately healed.

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Another sister, in the college in Burgensi, was suffering from a lung ailment, and was already considered incurable by doctors. With the help of the relics of the Servant of God, she recovered remarkably.

Sister Bernardina a B. V. Maria was afflicted with severe stomach pains; whatever she ate, she was seized with nausea and vomited. She had already lost strength, and her condition was worsening. A novena of prayers in honor of the Servant of God was instituted; barely four days later, she found herself completely healed.

Mary was also a powerful helper to Sister Agneti. Forty years ago, she suffered from throat and stomach ailments. Through devotion to the relics of the Servant of God, she was restored to health.

But above all, Sister Virginia a Iesu experienced the power of Mary.

[*Latin ed. p. 295*]

From the Sacred Rituals, number 295, in the year 1889, a certain woman was afflicted with great suffering. The physicians declared that all hope of life had been removed, and therefore, having been abandoned by them, she was entrusted to the priests, who were tending to the suffering. It was necessary to provide her with the food of the dying. However, she, firmly established in hope, invoked the help of Saint Michael, and swallowed a relic of his... oh, what a marvel! Immediately, the illness vanished, her former vigor returned, and amidst the rejoicing of her companions, she passed away the following day. Indeed, it pleases Saint Michael not only to restore health to those who invoke him in body, but also to dispel the anxieties of the mind. A certain Justus Fumanal, a magistrate of the town of Benasque, was so tormented by internal anguish that he was on the verge of losing his reason. He implored the help of the Handmaid of God, and immediately, the clouds dispersed, and a most gentle light shone upon his soul. I could add many more examples of this kind. But those that I have presented thus far are sufficient to show how much Saint Michael flourishes in the grace of God. Because these things are so, let us foster certain hope that, for this cause, and for the purpose of establishing a Commission, this Holy Order may offer its support, as with the Most Reverend Doctor Beniamino Miñana, Moderator of the Spanish College in the City, and a most vigilant advocate for this cause, and also with the entire Sodality of the Handmaids of the Most Holy Sacrament and of Charity, who have deservedly earned the highest praise in Christian and civil society, let us earnestly implore. Therefore, etc. On the 12th of November, 1898, ANGELUS, Advocate; MARIANI, Achilles Martini, Revised; ALEXANDER, S. B. C., Assessor; and ADV. VERDE, S. Fidei, Subpromotor.

[*Latin ed. p. 296*]

296 E. S. C. RITUUM ANIMADVERSIONES. R. P. D. PROMOTORIS FIDEI SUPER DUBIO. Whether a Commission should be established to

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investigate the matter, and to determine the purpose of the aforementioned Cause. Most Noble Lady, whom Cattolica, the most fertile land of holy men and women in Hispania, bore and nurtured, is presented to this Holy Order, so that it may be decided in these assemblies whether a question concerning her sanctity and virtues should be submitted to the Apostolic See, or not. Those who are most discerning judges of affairs, and to whom you entrust yourselves, would declare that it would not be fitting, nor even permissible, to deny her this honor; for it is said that she was so inflamed with divine glory and the salvation of souls, that she was esteemed by the most illustrious men as "a second Saint Teresa of Jesus – the Saint Teresa of the nineteenth century." Furthermore, because of the outstanding benefits conferred upon the human race, especially upon women and young people in danger, to whom she provided refuge through a pious association, by which they emerged from their difficulties and were preserved from the danger of losing their chastity, she is considered "a providential woman of the nineteenth century, sent by God to save so many souls weeping, immersed in the sin of impurity." However, although human judgments are often uncertain and subject to deception, "for only those whose actions can be presented to the faithful as an example to be imitated are worthy of the honor of canonization in the militant Church," it is necessary to investigate whether the praises and encomiums surrounding this Handmaid of God are based on certain and firm foundations, and whether anything in her life occurs that might appear not worthy of imitation, but rather deserving of censure. At the very least, some inquiry must be made into the evidence upon which the entire matter hinges. Therefore, let it be.

[*Latin ed. p. 297*]

FROM SECTION 297 OF THE SACRED RITUAL: Concerning Investigations. In Valencia, where a Handmaid of God, afflicted by an Asiatic disease, had presented herself, and had died in the month of August of the year 1865, an investigation into the sanctity of her life, her virtues, and her miracles was instituted twenty-four years later, in the same month, by the authority of the Archbishop. At his request, special processes were established for the examination of certain witnesses in the ecclesiastical courts of Caesaraugusta, Madrid, Oviedo, Zamora, Santander, Barcelona, Burgos, and Palencia. These individual processes, concerning Valencia, as the head and principal [figure], were compiled in nine not inconsiderable volumes.

It would be necessary for me to speak at length concerning the legitimate form of these investigations, but, since I must set aside those matters which will be more appropriately discussed in another forum, I will only address those things which can weaken or undermine the force and authority of the proceedings. I must confess that the diligence and care with which the officials of the Tribunal of Valencia used to ensure that all the formalities were

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observed were not evident in the process in Caesaraugusta; indeed, many things were lacking which seem to diminish all credibility. Certainly, none of the witnesses, when questioned individually, were excused, but rather, each was asked by name and surname, and after being subjected to certain inquiries, they were dismissed after two or three questions; whereas, according to the letters of inquiry sent by the Tribunal of Valencia to the Cardinal Archbishop of Caesaraugusta, all were to be heard on each individual question. In those letters, it is written: "We decree, in response to your request, that the aforementioned witnesses be examined, and that they answer to all and each question..." To this matter, I add the positions and articles presented to us by the Promoter of Justice for the examination of witnesses, as well as a sealed document, bearing our seal, which contains the questions prepared by the aforementioned Promoter of Justice, concerning which the witnesses shall be examined and questioned, before any consideration is given to the articles of the Promoter of Justice; this instruction was given directly to the Promoter of Justice by the presiding judge in the construction of this process.

[*Latin ed. p. 298*]

298 REGARDING THE SPECIAL PROCEDURE TO BE FOLLOWED. Once the process is complete, including the testimonies of witnesses and any objections, as well as the interrogations, articles, records, and any other document whatsoever, all sealed with the seal of the Holy Office or of the Judge, whom you, if you wish, will appoint, and also the letters of the Assessors, if you should employ them, you will transmit these to us through a faithful and sworn messenger, attaching to them your own letters and those of the Judge and Assessors, in which it will be stated that the witnesses and objections are to be treated with due faith, and that whatever else seems particularly relevant to the witnesses and objections, and to their testimonies, should be noted.

Therefore, has the contrary been done in every respect? Have almost all the matters pertaining to the examination of witnesses and interrogations been omitted? But neither were the other prescriptions observed; for the letters of the Assessors are lacking, the oath of the messenger is lacking, to whom, for that very purpose, the Postulator himself was designated, and, what is more serious, the instrument of closure of the process is lacking; therefore, we can rightly be uncertain about the authenticity of the proceedings, as Valentini's Judges were not undeservedly uncertain.

It is written in the records: "The Fiscal Advocate, observing that the instrument of closure and transmission of this process had not been properly and accurately prepared by the aforementioned Postulator, Father Francisco Genovés, and that the interrogations had not been included in a separate, sealed envelope, immediately protested against the infractions and deficiencies that could have affected the validity of the aforementioned

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documents. This protest, as was fitting, being admitted, the Most Reverend Judges considered it best to refer the entire matter to the Holy Congregation."

Furthermore, the aforementioned Judges, considering the gravity of the aforementioned defects, and believing that they could not be remedied, deemed it more appropriate to summon the Reverend Father John Vinader to be re-examined in this process, lest the cause of the God's Handmaid be prejudiced, who was present, suffering from a grievous illness and old age. "The Fiscal Advocate... remembering that in the sixty-eighth session there were infractions and deficiencies observed in the transmission of the documents of the Court of Saragossa, and fearing that the testimonies of the witnesses contained therein might not be admitted by the Holy Congregation, since the aforementioned witness is a witness of greater exception in this cause, and his testimony is important, requested the Most Reverend Judges to deign to subject this witness again to examination;" which, with the consent of the Judges, was immediately done.

[*Latin ed. p. 299*]

FROM THE RECORDS 299. The amount of testimony that should be taken in this case can easily be inferred from the excerpt from the letter that Valentine Indices submitted to this Sacred Congregation, which, although somewhat lengthy, I believe to be worthy of the attention of the Fathers. "Certain contradictions, at least apparent ones, were noted, among others, regarding the comparison of the last moments of the Servant of God and of the Venerable Sister of Los Angeles, especially in the letter inserted at the end of session 187, and furthermore, a judgment that is inexplicable to the undersigned judges, because the witness asserted: 1.° That the Mother Sacrament was immediately admitted to, or enjoyed, the beatific vision upon her departure from this life; 2.° That the souls of some of the purified were cleansed by the purifying flames; and 3.° That the death of the aforementioned Servant of God was angelic, which he explained by saying that if the Angels were exempt from death, they would not travel to the homeland in the same way as the Servant of God; nevertheless, he professed that he did not believe her worthy of the honors of beatification and canonization. If our negligence were to be attributed to the aforementioned contradictions of this witness, we questioned him about them, and we clearly demonstrated the necessity of explanation: he responded that he referred to the appearance or exteriority of the agony of choleric individuals, not to the intensity of the pains, for he readily admitted that the agony of the Servant of God was the most severe (thus), of the Venerable Sister of Los Angeles and of the others who were suffering, because, although the aforementioned Sister and others expressed greater complaints and lamentations, the Servant of God's prayer was for the increase of her pains and patience; nevertheless, from the contraction of the nerves, the formation

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of clots that extended from the sole of the foot to the top of the head, and the contortions and spasms that she patiently endured, the witness stated that the agony of the Mother Sacrament was the most miserable; but he refused to insert these explanations at the end of his testimony, and we in vain admonished him that he should be more diligent in his narration, even with the smallest details, and eliminate all contradictions. Having heard the witness's reasons for his dignity, we allowed him to testify as he saw fit, as is mentioned in the aforementioned passages; but although the reasons for the witness's statements were given verbatim to the Notary, hardly in the declarations is there insinuated such a prejudice, as is apparent from what has been exposed, a contradiction. We, the undersigned judges, after the witness had departed from the Tribunal, and also the Notary Actuary, remained only with the Promotor Fiscal, to -

[*Latin ed. p. 300*]

300. From the records of the process, we have noted certain points of importance, so that, should time pass, they may not be erased from our memory. Therefore, we have a witness who feels one thing and says another. How, then, can such testimony be accepted as genuine and sincere? Indeed, certain observations have come to our attention regarding some of the witnesses examined in the process, which was held in Matritensi, in the court, according to the interrogatories of the Tribunal of Valentiam, concerning the reputation for sanctity of the Handmaid of God. One of the adjunct judges, in his letter, states: "It seems to me that the witness, Maria Alvarez de Boliorques, due to distraction or lack of attention, has omitted certain circumstances of minor importance, which preceded the journey of the Handmaid of God to Valentiam, during the occasion of the cholera epidemic, in the year 1865. Having, however, acted with good intentions and having manifested her ignorance to the Handmaid of God, she did not reveal what she knew, perhaps because she considered it unnecessary." Furthermore, the witness, Dña. Bernarda Rodríguez, dared to affirm and declare more extensively and broadly about the virtues of the Handmaid of God, as she herself was a close associate of hers for many years; perhaps, however, she was restrained by a lack of confidence, or perhaps, vexed by scruples, or perhaps, fearing exaggeration. Regarding the witness, Don Hermenegildo Sancho, I also say that, like the others, he declared truthfully and sincerely; nevertheless, when speaking about the controversies that he had with the Handmaid of God, it seemed to me that he unduly mitigated the culpability that he might have had in those controversies. Therefore, such testimonies must be considered as incomplete and, consequently, must be weighed with other testimonies obtained during the investigation, in which certain questions were omitted. It is not established that Witness III was heard regarding interrogatory 8, nor were Witnesses VII, XIX, and XXIII regarding interrogatories 76; furthermore, in the ex-

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amination of Witness VIII, six questions were omitted after interrogatory 7; but ten questions, namely, from interrogatory 64 to 74, were omitted in the examination of Witness XII; and regarding Witnesses XIII, XXVII, and XXVIII, after interrogatory 67, 72, and 37, nothing further was asked. I do not believe, according to the law, that the omission of certain interrogatories necessarily invalidates the entire testimony of a witness; but, if questions are omitted that concern necessary matters, the authority of the testimony is diminished. Furthermore, it is not necessary to linger for a long time in the expenditure of other interrogatories in these investigations, for the testimony...

[*Latin ed. p. 301*]

From the Sacred Rituals, number 501, it is known that in certain cases, excommunications are so severe that it is barely possible to refer to them with a few brief notes in the summary tables. What seems to be a most remarkable and almost inexplicable circumstance is this: it concerns the Process concerning the Foundress of Matriti, who, in that city where the Servants of God have shone, laid the foundations of her institute, and established the principal seat of her order; and it was intended to gather witnesses regarding her life and virtues, and to collect the most important proofs. However, among the citizens of the City of God, no one was found who could provide a complete and accumulated testimony, filled with heroic exercise of virtues and a reputation for holiness: which, as anyone can understand, detracts from the legitimacy of the proofs that our Commission requires. It is not hidden that our Mother Michaela did not lead a life separated from the rest of society, but she often visited the poor, frequently attended royal celebrations, and often visited the nobility and Sacred Ministers, and she traveled extensively, and the reason for her institute was discussed with almost all classes of people; so that one might say that she had almost the entire population as a witness to her actions. The judicial records widely attest that our Mother Michaela faced many and fierce adversaries when she arrived in the city; but none of them were heard in judgment. These are the words of men who belong to that class of people who unjustly and through calumny attacked the Servant of God. I do not deny it; but just as, when one approaches the tomb, and there the souls of the adversaries are often deeply humbled and the virtues of the deceased are proclaimed, so, if it pleased Divine Providence, that those who, while she lived, detracted from her, might, after her death, render her double honor, it would have been very opportune to accuse some of them, so that, through the words of her enemies, the virtues, which are usually praised and pleasing, might emerge more clearly, or that a just cause for the Servant of God might be revealed against their accusations and curses. "There were many insults (says the Witness Valentinus), satires, and sarcasms, of which the Servant of God was a victim. In the Archive of the House of Madrid,

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there are some newspapers in which the Mother Sacrament was satirized." Are these biting verses not presented to us? Is it not for us to judge whether our Mother Michaela received any serious wound from this, or not?

[*Latin ed. p. 302*]

502 FROM THE SACRED RITUAL. It is readily perceived that the selection of witnesses has not been undertaken with particular care, and that the testimonies do not correspond to the desires of the promoters of the cause. Among those present, the most eminent is Her Most Catholic Majesty, the Queen of Spain; then follow two Archbishops, several distinguished by ecclesiastical offices and honors, and also some noble men and women; however, the testimonies of these are, for the most part, few, and, as a general rule, they merely declare that the Servant of God was known for her virtues and sanctity. A more copious testimony regarding the virtues of the Servant of God is to be expected from the Reverend Father Eugene Labarta, who was one of the survivors after the closing of this Confessionary. But you are mistaken; for he openly declared, "that during the twenty years in which he had dealings with the Blessed Sacrament, almost exclusively in the Confessionary or in relation to his own soul, and although those years have passed, the memory of her, whom he knew in her life and virtues, is very faint." The priest, the Reverend Father John of God Montanes, who adhered to the Servant of God in counsel and labor, and who was, as it were, her associate and patron, did not offer the testimony that the promoters of the cause had hoped for. Indeed, the judges of the Tribunal noted in their letters that "he was a man of the strictest conscience, and perhaps, intimidated by the gravity of the oath, he did not offer the desired testimony, but a very brief one." The same is true of Emmanuel Drouard, whose testimony, many declared, should have been of great importance to the Postulator before the Tribunal, since he was one of the most important among the benefactors of the Servant of God. For, when questioned, he responded, "that he knew the Servant of God, Mother Michela Desmaisieres Lopez di Dicastillo, known as Mother Sacrament, as a woman of great virtue and of much love of God; and that he could not say more." It cannot be denied, however, that the witnesses who speak more at length about Michela are women who entered the religious community founded by the Servant of God herself, and who gave her their name, and who, indeed, were very devoted to her. Furthermore, although it is not permissible to presume, based solely on affection, that their testimonies were less truthful, nevertheless, it is not without a certain suspicion of excessive credulity and exaggeration; for love is a credulous thing, and thus we tend to attribute all the best qualities to those we love.

[*Latin ed. p. 303*]

From the Sacred Congregation of Rites, 505: We observe the following as

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indications of profound affection: "I would give my entire life so that the aforementioned Beatification might be realized." "I, however, desire the Beatification of her soul and strive for it with all my strength." "I desire her Beatification with all my soul." These desires, expressed with such vehemence, are not surprising, for it is well known that the Sisters of the Handmaids of Charity extol her virtues, while at the same time mitigating her faults. Accounts abound of her lively and spirited character. "She was of a very lively character, and somewhat proud in temperament." "She possessed an austere, lively, and energetic character." "She had a strong, energetic, and, at times, even violent character." However, it is affirmed that, in no way could these traits have tarnished the soul of the Handmaid of God, and it is demonstrated that she was never rash or imprudent. "She was of a very collected and thoughtful nature." "She was of a very even and consistent character." "At times, she spoke with vigor, but without anger, without arrogance, and without exceeding the bounds of propriety." Can we, then, disregard such testimonies and not acquiesce in the statements made? It is true that in the Cause, there may have been a lack of proofs; however, the actors themselves, who appended to the judicial records biographical accounts, have not concealed this, one of which, as is asserted, was written by the Confessor, and the other by Vincent de la Fuente, and published in Madrid in 1884. But, fortunately! I sought in vain for an autobiography of the Handmaid of God, as requested by the Theological Censor, nor have I found any mention in the juridical records of writings that have been submitted to the examination of the Sacred Congregation. Furthermore, since Benedict XIV teaches that, in the introduction of a Cause, it is not possible to proceed "unless the works written by the Servant or Handmaid of God have been examined, if it is established that she wrote," it is manifest that the aforementioned autobiography, even if it were to contribute something to our Cause, would not advance its progress, since the judgment of the Censor is still required regarding it. It is also not certain that the spiritual testament of the Handmaid of God, of which mention is made in the judicial records, exists; and, although some passages have been quoted by witnesses, the complete text is lacking. The other biography, as it is recently written, may be admitted as proof. "Defects of origin (according to Benedict XIV)..."

[*Latin ed. p. 304*]

504 FROM S. C. RITUUM: A ritual is considered approvable, legitimate, and sufficiently examined when it has been written or published about the life of some Servant of God. It seems necessary to distinguish between a recently written life and one written in ancient times, and again, between a life composed and published by a private author, and one which has not undergone any prior extraordinary examination, nor any preceding public documentation, and which is taken from a recently written life by a rep-

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utable author, with completed processes, and which has been published after a difficult and unusual examination. Therefore, as Prosper Bottinius, Promoter of the Faith, states in his observations made in the Cause of the Servant of God John de Riberas concerning the sanctity of the Order: "This is not a juridical method of proving a reputation, since the entire reasoning is based on the authority of the author of the life, which cannot be of much weight, when the historian is not the most ancient..." Therefore, even if these histories have been reviewed by Ordinaries, with the advice of theologians, and the Apostolic See has permitted their publication, the general decrees of Urban VIII establish that no greater degree of probation is to be constituted for the cause of beatification than would be constituted without such approval, notwithstanding any passage of time" (Lib. II, cap. XI, no. 8). Therefore, it clearly follows that a memoir, as such, which has not been preceded by any public documents and has not been subject to any completed processes, cannot claim a certain degree of probation. Furthermore, it is permissible to inquire whether there is another biography of the same Servant of God written with a more skillful pen by the same author, from which this cause could suffer a significant delay and prejudice? The aforementioned author, indeed, states: "Before writing this book, I had already written in the year 1883 another, more extensive life in quarto format, which I gave to my daughters, the Ladies Adoratrices of Madrid, in which many supernatural things are contained, which it did not seem appropriate to publish in this book." A serious suspicion arises from this, that something in those supernatural gifts may be lacking, which would seem alien to sanctity and unworthy of God; therefore, it is necessary to examine all things carefully and diligently, so that the cause is not hindered, especially since, even among those things which the judicial records, as if heavenly gifts, recount, there are not a few that I believe would present a considerable obstacle to the cause, as will be seen in the following chapters. In order to thoroughly investigate this matter, it is necessary to inquire.

[*Latin ed. p. 305*]

EX. 505 S. C. RITUUM CAPUT II. De fama Sanctitatis. Non quaelibet opinio de sanctitate, sed quae ex puritate vitae et ex christianarum virtutum heroica exercitatione parta universaliter est, atque quae maiores incrementa acquisivit, haec una est, quae Commissioni signaturam impetrare valet. Iam vero plura hi in causa occurrunt, qua de legitima famae origine perplexo animo nos esse iubeunt. Procurandae enim sanctitatis opinioni aptatur maximum, virtutes ac dona, quae Ancilla Dei se praedita esse dicebat, quaeque pandere, nulla necessitate urgente, in more habuit. De se adhuc adolescentula narrat: « Aveva gran devozione al Santissimo, ed andava in qualche chiesa per fargli compagnia, con la mia Aia, o alle Quarant'ore, ed era solita trattenermi due o tre ore, che mi passava il tempo prestissimo, e regalava all'Aia, perchè non si lamentasse ». De obsequio et

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obedientia in parentem suam refert: « Morì (eius mater) senza che io le avessi dato mai un disgusto, nè la minore disobbedienza; così che la aveva resa tanto soddisfatta di me, che mi regalò una tazza grande di argento con un coperchio, ed una iscrizione che con lettere di oro in rilievo diceva: "Amia figlia Michela, fedele, amabile e virtuosa, l'amore di una madre" ». Olim Abulensi Episcopo haec scribebat: « Mi danno da pensare le relazioni impure delle persone che tratto di salvare dentro o fuori di casa. Il Signore mi assicurò - non avrebbe tentazioni di impurità, ed a otto anni ho compiuto questa promessa ». Sodalibus autem suis non dum ad aures de se ipsa locuta est, sed palam quoque se adimitandum proponebat. Sic eas in general conuento congregatas anno 1865 ad mutuae caritatis et perfectionis studium hortata est, inquiens, ceu docet Soror Helena a Cruce, « che poteva dominarci così come lei lo potè durante nove mesi, nei quali aveva sofferto grandi contraddizioni, specialmente nella fondazione di Santander, ma che per grazia di Dio non s'era disgustata neppure una volta, nè aveva perduto la pace interna ». Alias post spirituales recessus Sorores suas ita allocuta est: « Vediamo se voi altre potete fare lo stesso come me che essendo peggio di voi, ho fatto il voto di non commettere avvertentemente neppur peccato ».

[*Latin ed. p. 306*]

30G "From the Sacred Ritual," and to always do that which is most perfect; thus progressing in the path of perfection." Therefore, the Handmaid of God clearly indicated that she had touched the summit of perfection, and sought to maintain the opinion of her holiness. Certain actions, commended daily by the Handmaid of God to her companions, served greatly to foster this opinion, not merely so that they might possess and preserve certain objects as tokens of God's love, but also as a pledge of His favor. "I have often heard," said Sister Catherine to Christ, "from her mouth the extraordinary manner in which the Lord sent her the help of which she needed in critical circumstances, for, as she said, it always arrived for her through unexpected means, finding money in the drawers of her writing desk or in other places where she never put money." And Sister Most Holy Mary reports: "There was a night in which the Mother of the Blessed Sacrament retired to her dormitory to pray in bed, where she was alone. There was there a crucifix of a meter in height, which at another time belonged to her deceased mother. When she directed her supplicating gaze to the aforementioned Crucifix, it seemed to her that the blood of the wounds was more vivid than usual, and approaching it to adore and embrace it, she clearly and distinctly heard the palpitations of the Heart of Jesus. The following day, after hearing Holy Mass, she withdrew to the small room where she was accustomed to gather with the sisters for prayer, and there the Mother of the Blessed Sacrament recounted to us the aforementioned prodigy." The same Sister recounts: "Several times the Lord reclined over the Mother of the Blessed Sacrament as Saint John did. Also, the Lord

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appeared to her on another occasion in the form of a child and caressed her; passing His divine hand over the face of the Mother of the Blessed Sacrament. I know this because she told it to me several times." And the same witness narrates: "The Servant of God saw the Most Holy Trinity in the Sacred Host, when the Divine Majesty was exposed; and I say that she saw it, because she asked us with the greatest naiveté, whether we also saw it, the religious who were with her in the chapel, and she made us look carefully at the Sacred Host, and she, the one who declared it, replied that she did not see anything in particular, and I remember that the Servant of God was very surprised that we did not see what she saw, and she said: It seems impossible! and she placed us in different positions and places."

[*Latin ed. p. 307*]

From the Sacred Ritual, 307: You will not be surprised that the Handmaid of God, whom I am now recounting, is praised; rather, the simplicity and credulity of these [Sisters], by which they readily believed all that came from her mouth, filled us with great admiration. "On one uncertain occasion," (the Sister of the Most Sacred Heart of Mary continues), "the carriage in which she was traveling with her [aforementioned] relative broke down in Naila, in a remote area of the countryside. In this circumstance, she asked the Handmaid of God where the church was, and learned with great surprise that there was no church there, nor was there any village nearby. She then withdrew Mother Sacrament into her room, and complained to Our Lord, saying that she had no fault, but could not receive Holy Communion. Unable to sleep, she got up around two o'clock in the morning and went out of the room. At the foot of the stairs, she found a man dressed in white, who was carrying a lantern in his hand, and this man asked her if she wished to receive Communion, and he himself accompanied her to a church, and left her there, telling her that she should return by the same road. Mother Sacrament told me that she did not see the face of this man, but she believed that it was Saint Raphael." Sister Mary Eulalia adds: "The Holy Angels have told us on many occasions that, in a special way, the Guardian Angels assist the person to whom they are entrusted. As for me," she said, "they assist me very well; and when we are about to ask someone for something, they answer us: 'It is clear that you do not have faith, and therefore you do not commend things to your Angels, nor do you entrust them with tasks; and they do not do so.' I, when I need to see someone, tell it to my Holy Angel, and it is known that he goes to inform them, because they come to me immediately." Considering these and many other manifestations of this kind, you will not be able to deny that the Handmaid of God (I do not seek to know whether it was good or bad) must have held a very favorable opinion of herself. Regarding the custom of afflicting the body, I say that Sister Mary of Montserrat recounts: "After about two years, when I was in the College of Madrid, Mother Sacrament ordered me to go

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into her room to sleep, which was next to mine, after she had undressed down to her chemise, which was long, very long, and with sleeves that reached her wrists; she said to me: 'Scratch my daughter on the shoulder,' and for..."

[*Latin ed. p. 308*]

508 FROM THE HOLY RITUAL, which is very remarkable. Indeed, I placed myself behind [her], leaving exposed only the part that extended from the upper thighs a little below the waist; since she was so tall and I was so much lower, I leaned against one side of a chair, and from that moment I began to scratch her, because she would not stop ordering me to scratch her with all my strength, and not just with the tips of my fingers, but with my nails, so that I left her shoulders full of scratches. From that night onward, I did not cease to perform this operation almost every day, and for some time. But because I had somewhat soft nails, and therefore they broke easily during the aforementioned operation, the Mother of the Sacrament lamented that I was perhaps doing this intentionally to not relieve her, while she said that it deprived her of the relief she found. One night, as I was about to begin the usual operation, she gave me a very stiff brush of short and sharp pig bristles, which was shaped for cleaning the head, and said to me: "Wait, since you do not have good nails, and you do not relieve me sufficiently, take this brush to scratch my shoulders." Having said this, she undressed and, placing herself in the same position as before when I was scratching her with my nails, she began to scratch her shoulders from top to bottom, as if she were scrubbing a piece of wood. In the same way, from that night onward, she almost every day repeated these actions. The force with which she used this brush at my Mother of the Sacrament's command was such that it left her shoulders red as a tomato. This operation... I practiced for many years, that is, for the entire time that I remained by her side. Nor should you believe that this was a nocturnal silence that was buried; for it easily reached the ears of the Ancillae Dei Sororum, but even they have recounted it, albeit with some exaggeration. "Many times, Sister Montserrat, a very simple and angelic religious (Sister of the Most Holy Mary), told me that my holy Mother (Servant of God) used to use her to perform certain penances that she could not do herself; she would scrub her shoulders with a very strong brush, until the blood would spurt; she would make her pull out the nails of her toes, dividing them in half, and pulling them from both sides until they were completely removed." This last addition is entirely absent from the testimony of Sister of Montserrat.

[*Latin ed. p. 309*]

From the Sacred Ritual, 509. Furthermore, to foster admiration and veneration, the exterior appearance of the apparatus with which the Hand-

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maid of God was adorned, when she was occupied with thoughts of death, is noteworthy. "I once," says Sister Helena of the Cross, "performed the exercise of the Good Death in the following manner: Before the main altar, I placed a black cloth, upon which I lay as if I were deceased, and I had four candles lit around the cloth, and Sister Visitation, already deceased, read the commendation of the soul to me." Similar things are also observed: "On some of the principal feasts of the Church, she knelt at the feet of the Collegiate Sisters in the refectory, kissed them, and asked them for forgiveness for all the shortcomings they had noticed in her; this act ended with her weeping." On one occasion, on a Friday of the greater week, "at the very moment of blessing the meal, the Handmaid of God presented herself to the Servants of God in the refectory, carrying on her shoulders the very heavy Cross that was placed between the chapel and the second gate, and during the entire meal, which lasted about three-quarters of an hour, the Handmaid of God remained kneeling, lying with the Cross upon her shoulders. This humility and penance produced such a sensation among those present that everyone ate with tears in their eyes." I believe that the nuns and students could scarcely restrain their astonishment when they looked into the room where the Handmaid of God used to retire to pray, for in it were "a skeleton full of worms, a skull, figures of devils, a bench covered with bark from a tree, which had, at one of its ends, a larger piece of bark in the shape of a headboard, and adorned with campbells." It is therefore not surprising that the sanctity of our Blessed Michaela has impressed many; for she was endowed with ordinary graces, and her examples of bodily mortification and other forms of humility, as have been described above, are those which most deeply move and delight believing women, and to which the splendor of virtues is not to be attributed. For although the religious sisters have striven to celebrate and spread abroad the virtues of this woman, and recently a "compendium of her life has been published in copious detail, in which she is presented as a model of Christian virtues," which, however, has not yet been shown to us, nevertheless, there still exist, in number, men who "doubt (as Testis VIII Valentinus teaches) the certainty of her."

[*Latin ed. p. 310*]

310 FROM THE HOLY RITUAL, it is assured that, if these [facts] were certain, there would be no doubt concerning her sanctity. I can certainly affirm that these very persons, who doubt the sanctity of the Servant of God, nevertheless recognize in her common and ordinary virtues, considering her a good Christian and a faithful observer of the holy laws of God, even though they do not believe in the heroic nature of the virtues that she practiced. And the witness from Madrid testified: "Concerning the virtues, there were persons of great piety who saw in her no trace of wickedness, but rather the true spirit of God, so that, being a religious, during

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her travels to Barcelona in the year one thousand six hundred and fifty-two, I do not know if it was justly so, she left a lasting impression on that class of nobility in Barcelona, with whom she treated with great respect." And three witnesses, brought in at Valencia by order of the court, who, as they are considered more knowledgeable, testified: "The secular persons who treated with Mother Sacrament, from whom I was able to learn this, declared that they considered her a woman of great talent; the Religious Adorers, for their part, considered her a very virtuous person." Thus, she had acquired a reputation for sanctity among her associates. Sister Maria of Montserrat, who was always at her side, day and night, and was a most faithful witness to her virtues, said: "I confess frankly that I never considered her to be a saint." And Sister Maria of the Most Holy Rosary, who with her own eyes witnessed many and excellent deeds of the Servant of God and testified to them, declared: "Although I considered her to be a very good person, I never considered her to be a saint." Sister Maria of Mercy, who was indeed ill, but was compelled to take an oath, testified: "It is a fact that I am ashamed to confess, that I never had any affection for the aforementioned Servant of God." Furthermore, Father John Baptist Vinader, who recounted many and outstanding things about her extreme mortification and penance as a witness, did not hesitate to declare: "I have not professed, nor do I profess now, any special affection for the Servant of God." What is more, there are those who openly contradict this reputation. "I heard about the opportunity for this process," said Witness VIII from Valencia, "from the Chaplain, Don Ermenegildo Sancho, who resides in Madrid." All of these things, I believe, and I am not mistaken, are such that, even if certain witnesses, as related in the Summary, do not universally or commonly affirm her sanctity...

[*Latin ed. p. 311*]

FROM SACRED RITUAL 311: But has this [cause], at least, gained a constant and ever-increasing momentum? The principal indication of lasting fame is provided by the pious gatherings of the people at the tomb, which has never been interrupted and has, on the contrary, become more frequent; and thus we can safely affirm that the fame of sanctity has increased. And there is no testimony in the records of a popular gathering at the tomb of the Handmaid of God; indeed, the interrogatories drawn up by the Fiscal Promoter request precisely that which is lacking, namely, information regarding this matter, which was not provided. For Benedict XIV teaches that a particular investigation must be carried out, according to the decrees of Urbano VIII, "regarding the reputation in the place where the Servant of God died, or where his body rests"; and he adds that "the testimonies should include information obtained from witnesses who are to be questioned about their own access to the tomb and that of others, and whether the gatherings have been diminished or increased." Therefore, it

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can be concluded that the lack of testimony regarding a popular gathering at the tomb of the Servant of God was a considerable obstacle to the cause of beatification. Thus, it appears that the fame of sanctity of our Michaelae cannot be considered to possess those qualities which are most necessary in order that she may be fully and conclusively declared a saint.

CHAPTER III. Concerning Obstacles. If we examine the entire life story of the Handmaid of God in some detail, we find many things which cannot escape the censor's scrutiny. I will not speak of her adolescence; for it is easily understood that a girl born into a noble family and raised in a patrician environment would easily be excused if she wore elegant and fine clothes, and if she celebrated pleasant gatherings; but that she should indulge with all her heart in the pleasures of the world, even after her marriage had been confirmed, seems far removed from sanctity. "My sister-in-law," she herself narrates, "took me to Paris with my cousin, to the shops, and we spent a life entirely devoted to amusements": and there "I spent a year which I now call lost, in expenses for luxury, balls, and distractions." Upon her return to Rome, when she saw the public hospitals filled with so many misfortunes, she was moved to mercy, and she took in some girls there.

[*Latin ed. p. 312*]

312 From the Sacred Ritual, she began to ponder the matter with seriousness and virtue, considering the honor and disgrace involved. She gathered together seven companions, among whom were the most noble women, who alternated in presiding over the affairs. But she reflected, and considered how much the world's pleasures and the allure of the senses still held her. "I led a life so filled with distractions, in the morning with works of charity, in the afternoon with invitations, rides in carriages, at night at the theater, or in conversations, dances, at the baths, or in France, or in Spain, for the sake of my stomach pains, which I suffered so painfully, and how the strength of opium and calming remedies was passing from me; all this, and the excessive luxury, and the expenses of the table, because I continued to have a hearty lunch every day; all this, I say, even though I did nothing evil, displeased Father Carafa, who was the Confessor of my Mother, and he resolved that I should do the exercises, threatening me with this, that he would not return to my house, unless I changed that way of life, abandoning the theaters, dances, and other distractions, in which he saw great dangers." And indeed, as Augustine teaches: "He who is immoderate in the adornment of his body and clothing, and neglects other things, is easily convinced that he is a follower of the vanities of the world, and no one is deceived by his deceitful appearance of sanctity." (De Serm. Dom. in Mort., lib. 2, cap. 12, tom. 4). To a more serious counsel of conversion, the Handmaid of God listened, but not in such a way that she immediately turned her back on all the pleasures of life, and strove with haste, as she felt herself called by God to do. After the pious women, who had recently been

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appointed to govern the sodality of young girls, and with their number increased, the Handmaid of God established a common life with them, so that she might instruct them with her words and example, and encourage them to virtue. Meanwhile, the Servant of God continued to live in her father's house; but what followed, let it be learned from another. "Some time later, my Mother, the Foundress, discovered that the nuns had taught the young girls a certain type of embroidery, of French and Spanish style, the moral of which was that the second party favored Mother Sacrament, and the others favored the Nuns. This caused her disgust, but she said nothing." From Madrid, the Servant of God went to Guadalajara to make spiritual exercises, and when she returned to the Capital, she presented herself at the...

[*Latin ed. p. 313*]

FROM THE SACRED RITUAL, 315: The house on the street of Saint Peter; it was not permitted for her to enter it. The Superior left through the gate, saying that she had nothing more to do there, because they had decided to take over the college. The Servant of God was so surprised and afflicted that she knelt at the threshold of the main door, before a painting with the image of the Virgin of the Abandoned, and promised that if she was freed from such great tribulation, she would always keep a lamp lit for her. God heard the prayers of His Servant, but hear how. "Despite the order of the authority, the French nuns refused to let her enter the aforementioned house, and in view of this, the aforementioned civil authority ordered that they be placed in carriages, and that a detachment of troops accompany them, to prevent any disorder." The Servant of God entered, joining the sodality, in order to calm the girls who were also prepared for sedition, and there she established a school. But did she not, even then, bid farewell to the comforts of her paternal home with reluctance? Indeed, "God loves a cheerful giver" (II Corinthians 9:7). Our Michael, in this world, lived a pious life, and practiced the works of charity in many ways. She was not less determined, but she did not resolve this difficulty, since she always preferred truth, and was not overly attached to worldly vanities, and was hesitant and reluctant to follow the divine vocation. Nor should you think that the pious sodality completely rejected the morals of the Servant of God from her previous life; for, as she began to think about putting on religious garments, she did not put on humble clothes, but, as she herself recounts, "I began by putting on a religious garment: I was never dressed in a woolen habit, and I disliked it. I put on one of silk, a little elegant, but it turned out that it caused envy among the students. It was already supposed, although I did not let it be." Therefore, even with the scandal of the girls, she kept the silk garments. Nor is this all; she goes on to say: "Since I was very sad and alone, looking for ways to distract myself, my sister played the harp, and so many people gathered to hear me that they attracted attention and

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applauded me from the street, and I had to stop. Painting, which distracted me so much, was the occupation of my entire life, and it cost me a sacrifice, because I did not have a room to set up..."

[*Latin ed. p. 314*]

314 FROM THE SACRED RITUAL: "My easel of painting; I confess that it was one of the greatest sacrifices I had to make, and among those that cost me the most." Such high roots were set by the desire of worldly life! And from all these things, one can infer how much must be endured by those who judge, as is testified by the Reverend Father John Baptist Vinader, who states that the Servant of God was subjected to various criticisms, among which he recalls the following: "She had a hand that was artistically well-formed, and it was noted that when she spoke, her hand was always exposed to the view of others; in her visiting cards, she had the crown turned upside down, and it was said that more humility would have been appropriate, and also more just, because she said that she had not paid the tax required for such a title; they spoke often of her friendship with Queen Isabel, and this was interpreted as vanity; sometimes she went to Montserrat to make the spiritual exercises, and for this, she was criticized, because it would have been more edifying, they said, to do them, as the other Religious do, in their own convent; they saw her speaking with Spanish people in French; and this, too, was criticized as if it was vanity. I myself once heard her mimic the French preachers, standing up and placing a chair in front of her, in the manner of a pulpit, which seemed to me an act of levity." Furthermore, no one is ignorant of how carefully one must proceed, lest anything be attributed to God which should be ascribed to the fantasies of the mind, especially when dealing with demons, as is written by Benedict XIV concerning women: "Common to revelations and other things that are said, when speaking of visions and apparitions, are these: they must be examined very carefully, especially those that women claim to have received, because of the weakness of their sex, which makes them more susceptible to illusions." It is true that our Blessed Michael had dreams, as recounted by the Reverend Sister of the Most Sacred Heart of Mary: "On a day of the feast that we celebrate, in the year 1859, in honor of Saint Ignatius, in the church of the same saint in Madrid, she and I went in the afternoon to attend the same, but as we arrived late, and the temple was crowded with the faithful, we could not pass forward, and we remained near the gate, where we remained until..."

[*Latin ed. p. 315*]

From the Sacred Ritual, 515, which concluded the aforementioned function; and since we were the last, we could not see anything of what was happening in the sanctuary. We remained in the church for about two hours, and upon leaving the same, at twilight, I said to my Mother Sacra-

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ment that we had been very well; but I do not recall whether it was on the same day or later, when she told me that two Angels had been present, and that each of them took one of us and carried us to the sanctuary, where they placed us and gave us torches, so that we might guard the Most Holy Sacrament, and after the function was finished, they brought us back in the same way to our place at the gate. She added that, since she was near the priests who were in the sanctuary, she knew them all, and also one of the confessors of our house, who is now deceased, who was also there. The following day, she asked him, in order to be more certain, if it was true that the Lords she named had been in the aforementioned church, and he answered her affirmatively. Mother Sacrament told me that, when the Angels were carrying them, passing through the midst of the people, she thought, "What will the people say when they see us?"

Are these not things that should make us smile, and are they not among the most delightful of stories? The same devout woman recounts another incident, which is reported as having been experienced by her. "On one of these days of bitterness, when I thought I could not endure so many calumnies and grievances against me, while I was praying at Mass, the Lord said to me: 'Look, see? Thus I carry you'; and I saw myself on the shoulders of the Lord, and like a lamb, He placed me with my mouth to the wound of His side. It is impossible to explain it further."

What more can be said? The blessed woman confesses to having had happy dreams. "I had much sorrow for some slight failings that I had committed, and since I very much desired to confess, I went to bed making an examination, and I sat down on the bed, because I desired to pray. I fell asleep, and it seemed to me that the Lord was confessing to me, and I not only told Him what displeased me, but also other failings of my life, and He said to me: 'These are forgiven to you, and I will give you the blessing for the others, which troubled you, which have not offended Me.'"

From the histories of the saints, we indeed know that the servants of God are often harassed by demons; but more than what happened to Michael and to us, it was not this harassment, but rather this fervent love.

[*Latin ed. p. 316*]

316 These phenomena appear to be attributable to either diabolical suggestion or illusion. "In the chapel, I saw him (according to the testimony of the Servant of God) in various forms, disturbing my prayer, and one night he seized my arm and made me roll down the entire staircase of the chapel, with my head down, but I felt nothing, nor did he inflict any injury upon me. While I was praying, I saw him in the form of a black dog, long and thin; he pulled the candlesticks, one by one, without anyone noticing; I saw him running about and overturning all the chairs, he leaped onto the altar in a dog-like manner, above me, without touching me, because I did not fear him, and I completed my prayer; he left the chapel as if it were a battlefield;

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a young woman came with me, and he attacked her, jumping in front of my book and lamp; and she was so frightened that she was very ill from fear, believing that it was for her sake that something had happened... In Valencia, after the foundation of the house, he gave me a blow on the shoulder, and I fell to my knees, thanking God that He had not killed me; he passed over my head on horseback, causing me great pain and watering my eyes. I suffered greatly, and on the third day I was healed, although the mark lasted for more than a month, and it is still visible. In the lampshade, I saw a very small devil for a long time, so that he would not let me read the passage. He was black: he had eyes, horns, a mouth, and some claws; all of this was very fiery. And many times I argued with him, and I realized that it was he who was making me angry in a thousand ways and forms. Once he trampled on my feet, another night he entered a confessional, he descended in a diabolical manner, he passed near me and in front of a teacher, to whom he gave great fright, and then he disappeared in the middle of the chapel. He often descended the staircase of the chapel, causing disturbances, and he pulled the confessionals during the days of confession, and I am saddened that I am relating these things. I was very afraid of him, and I trembled with terror. I prayed to the Lord, and it ended." These events are recounted by numerous witnesses, and the aforementioned Sister Catherine, "according to the account of the Servant of God," requires no further comment. Given these facts, it is clearly true what was said by Witness XVII from Madrid: "Many considered her to be a visionary," and what was said by Witness LV from Valencia: "Within her family, she was considered to be a victim of religious fanaticism." Therefore, it is not undeserved that her confessor, Father Eugene, held this opinion.

[*Latin ed. p. 317*]

From the Sacred Ritual, 317, Labartes, speaking cautiously about the graces with which the Handmaid of God was endowed, said: "I do not dare to affirm that the protection and favors of God towards her were extraordinary." Meanwhile, Michael, our Lady, illuminated by God, teaches us, by her example, how to observe obedience to one's confessor and how to practice charity, not lightly, but with great care. "This woman (says Sister Catherine to Christ) did not have permission from her confessors to make particular use of the internal revelations, which she received from Her Divine Majesty"; nevertheless: "I heard it recounted by my mother (reports witness I Palentinus) that the first time that the Servant of God came to this city, she accompanied her to a church of religious of cloistered life, in order to receive Holy Communion, and that after Communion, being called by the religious to the grating of the choir, she greeted them with these words: 'Peace be in this house, for it is in great need of it; for the religious who enters through the door of the choir is truly the one who is to come.'" The witness, astonished by the nature of the greeting, replied

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to the Handmaid of God: "I cannot believe that you had anything to do with this; for neither you nor anyone else has ever said a single word to me about the affairs of this convent." And Witness III Zamorensis recounts: "I found the aforementioned Servant of God in the company of the religious of this convent, and in the parlor, speaking with Sister Giuseppa, she said: 'Be more sincere with your confessor'; and the same religious assured that it was certain." This admonition, so grave in its sanctity, clearly reveals the great imprudence and the utmost lack of charity of the Handmaid of God, and justly, the same could have been retorted to the one speaking. And Witness IOvetensis says: "She told me... that when she went to the confessional of the Most Excellent Lord Claret, they understood one another without speaking; and when I asked her how this could be, she replied: 'Just as when you look out from a balcony, and you see a cart of wood pass by, you clearly see that it is the one or the other; if you see a woman with a basket on her head, you see her, and you are certain of it; if you see a man on horseback, the same thing happens to you, and in the end you know everything without either of you speaking, nor you speaking to them; so it was in this case.'" Therefore, in accordance with the perpetual discipline of the Church, and with the sacred canons and constitutions, the Handmaid of God did not perform the sacramental act of confession, but made a mental confession and a mental...

[*Latin ed. p. 318*]

518 From the Sacred Canons, it was considered sufficient to grant absolution. I believe, and it is my judgment, that everyone should have thoroughly examined the character of this woman, and be able to discern the intimate merits of the cause.

RESPONSE TO THE OBSERVATIONS OF THE REVEREND FATHER, PROMOTER OF THE FAITH, REGARDING WHETHER THE ACRONYMS "Eme" and "Rme" SHOULD BE USED IN THE CASE, AND WHETHER THE COMMISSION IS DOUBTFUL ABOUT THE INTRODUCTION OF THE CAUSE IN QUESTION?

My Lord, from the very beginning, I entrusted the patronage of this cause to the most vigilant Advocate. Considering that the reputation for sanctity of Maria Michaela, of the Most Holy Sacrament, was widely known, it was already permissible to hope for a favorable outcome. Now, the Censor, with kind words, confirms and rejoices, and in the very beginning of his prayer, with praises in which he celebrates the sanctity of the Handmaid of God, he in a certain way expresses his agreement. Indeed, he praises her not in a common way, but so that no one can recommend her with greater zeal, or with a more excellent comparison. Furthermore, one calls her "a second Saint Teresa of Jesus"; another, "the Saint Teresa of the 19th century"; and finally, "a providential woman sent by God to save so many souls immersed in sin." Such words not only please the Censor, but

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also show that the Handmaid of God is considered worthy of the honors of the blessed virgins, and that she is not unworthy of them. Therefore, in my judgment, concerning the cause in question, which consists entirely in proving her sanctity, it is clear to everyone how much hope shines forth.

Therefore, while we most earnestly commend the Advocate of Faith, we approach with greater zeal the refutation of the observations that the distinguished man, in the defense of his office, has raised.

[*Latin ed. p. 319*]

FROM SACRED CANON 519 Concerning Investigations. Not one, but nine investigations were instituted in this case: namely, those of Caesaraugusta, Madrid, Oviedo, Zamość, Santander, Barcelona, Burgos, and Palencia. All of these, being subsidiary, are subject to the investigation of Valencia, which, as the principal and head of all, governs them. The Censor, examining the form of the proceedings, praises the diligence and assiduity with which the Judges of Valencia have observed the solemnities of the law. Since the investigation of Valencia carries greater weight and authority, we bestow the highest praise upon it, and we are not moved by the few minor blemishes that the Censor detected in the records of the investigation of Caesaraugusta. For indeed, are a few minor flaws sufficient to condemn a prosperous cause? These very flaws are of a kind that would obstruct the successful outcome of the cause. However, it must be remembered that in this judgment, the investigations were conducted by ordinary authorities, which are entirely governed by the prescriptions of common law. To these, the most lenient judgment of Benedict XIV applies, namely, "that ordinary processes will be valid, even concerning sanctity of life, and fame of virtues and miracles, although those things have not been observed which are beyond the common mandates, either in a circular letter or in the Decrees of Innocent, even in that part in which they speak of processes that are carried out by ordinaries."

Furthermore, what did the Censor find in the investigation of Caesaraugusta? The witnesses were not all questioned under oath; the letters of the Judges are missing; the oath of the notary is missing, and the closing instrument of the investigation is missing. But not only is there no mention of these formulas to be observed in the circular letter of Urban, nor in the Decrees of Innocent, but even if there were a mention, even if the formulas had been observed, "the process would not be vitiated by nullity; first, because in the aforementioned circular letter, nothing is found except a simple direction and method for the preparation of the aforementioned processes; secondly, because the aforementioned circular letter lacks a decree that, if it is violated, will render it invalid; the investigator claims a greater right to the conclusion, while the simple law prohibits it, which does not invalidate the act, unless it is endowed with a decree that invalidates it, or another clause that is equivalent to a decree that invalidates it."

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These are the words of Benedict XIV.

[*Latin ed. p. 320*]

320. According to the Sacred Congregation's opinion, as Suarez entirely maintains: "I say that, from the sole fact of being delivered, a law purely prohibiting something does not invalidate the act, unless in some other way, such an effect or intention of the Legislator is sufficiently declared." Therefore (Benedict XIV continues), "The Sacred Congregation, when, during a dispute concerning the validity of a process conducted with ordinary authority, the opposite was presented by the Promotor of the Faith, not having been done according to the circular letter... never wished to come to a declaration of the nullity of the process." Therefore, with these things established, if some interrogatories were omitted in an ordinary inquisitorial proceeding, the proceeding itself is not invalidated. For Pignatelli states: "The omission of interrogatories does not imply invalidity of the process, nor even of the examination itself," *Alex. cons.* 172, n. 9, *lib. 2*; *Greg. XV, Decr.* 331, n. 17, and there, *Abbreviatio*, n. 22, and *decisiones*, 351, n. 46; *Rotuli decisionum*, 663, n. 12, *p.* 4 *Decr.*. If the porter did not swear an oath, no detriment arises from this. Furthermore, the same Pignatelli, when addressing the proposed question, "whether the porter of the process is required to swear that he faithfully carries it out," answers: "The porter is not required to take an oath, but fidelity." These pertain to the apostolic inquisition; what if we are speaking of an ordinary one? Is fidelity required of the porter? In Caesaraugusta, the judge desired an oath. Francis of Genoa was designated for this office, and Bourgnét, performing this duty, called him a "faithful porter" by the judges, then the notary. When the porter presented the aforementioned package containing the documents of the Caesaraugustan inquisition to the Tribunal of Valencia, "the Reverend Judges (delegates and adjuncts), at the insistence of the Fiscal Promotor, most carefully examined the exterior package, along with the superscription and seal, and having found it intact and the latter authentic, they immediately interrogated the porter: indeed, having sworn according to the Holy Gospels, he affirmed that he had received the aforementioned package, but he was asked how he had obtained it." Moreover, Benedict XIV states: "Sometimes, a process has even been admitted, which was delivered closed and sealed, although not delivered by a porter chosen by the judges; and so it happened in the cause of the Servants of God, Rudolph Aquaviva and his companions, April 2, 1718, while the aforementioned was performing the office of Promotor of the Faith." (followed by more text).

[*Latin ed. p. 321*]

321 FROM THE HOLY CONGREGATION OF THE COUNCIL OF BURDIGALA. NULLITY OF MARRIAGE. December 20, 1902. Session 24, chapter 1. Concerning the validity of marriage. Mauritius, engaged

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in business with his father in the city of Burdigala, frequently visited the home of George, also of that city, who was likewise engaged in commerce. And it happened that he began to desire Josephine, George's daughter, and resolved to marry her as soon as possible. "Miss Josephine," he said, "had a captivating appearance; I believed that through this marriage I would secure my happiness, as well as a prosperous future; therefore, I decided." Thus, on January 12, 1886, after a previous civil marriage, Mauritius and Josephine, both being 21 years old, entered into marriage according to the decrees of the Council of Trent, in the church of Notre Dame in the city of Burdigala. But with a most unfortunate outcome. If we are to believe the words of Mauritius, even before the marriage, Josephine did not show him any affection, but rather displayed signs of sadness before him, even accumulating contempt and reproach towards him. The reason, as it is asserted, was that Josephine had married him against her will, because of the imperious will of her parents, while she harbored a very strong affection for another. "I yielded to the obsessions of my father, and of my mother," (Josephine said to Mauritius, as he himself recounts), "but know this, my heart is in Paris. I love Mr. Ostermayer (a lawyer)... and my heart is faithful to him." And although, at the insistence of her husband, she later consummated the marriage, she did so not out of duty, but to satisfy her lust.

COMPENDIUM OF THE CASE. Acts, Volume XXXV, page CDX1V. 21.

[*Latin ed. p. 322*]

322 From the Holy General Council, it appears. "Furthermore, Mauritius recounts that the marriage was consummated approximately twelve days after the celebration of the marriage (twelve days of resistance on the part of the wife), and after the consummation of the marriage, she said to me: 'You have had me in the flesh, but you will not have me in the heart. I still love Mr. Ostermayer...'" While he was staying in Nice, she deserted him for the entire day, "and she never wanted to tell me, as Mauritius recounts, what she had done all day"; nor did she blush to say to other women that they were more fortunate, who prostitute their bodies. – Having completed the journey of the marriage, she left nothing undone in order to extort money from the husband, which her father had bequeathed. But in vain. Then Mauritius realized that her father had forced her into the marriage with the hope of repairing the distress of his family affairs. Hence, more serious disputes arose between the spouses, and Josephina, as the husband asserts, did not hesitate to reveal her past faults to him, she left him three times, and finally, after four months, she fled to the island of Oazeaux to her parents; and in 1887, which was the year she had vowed, she obtained a divorce. Three years after the divorce decree, Mauritius approached the Archbishop of Bordeaux, simultaneously requesting that no marriage be declared valid, since it had been coerced on the part of the bride. After

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the process was initiated, the Archbishop of Bordeaux sent letters to the Archdiocesan Court of the city of Buenos Aires, where the bride, along with her father, who had lost his fortune, had moved, requesting that she be questioned by a delegated judge regarding her marriage. However, the Court of Buenos Aires did not know the woman's whereabouts, and therefore summoned her in vain. Then the Judge of Bordeaux and the defender of the marriage went to the home of the mother, with the promise that the daughter, when she returned, would appear before the Court. But when the woman did not comply even on this occasion, by order of this Holy Council, the Court of Bordeaux sent a peremptory summons to the home of Josephina's family, summoning Josephina and her parents, who, not appearing on the appointed day, were declared in contempt.

[*Latin ed. p. 323*]

BORDEAUX. 325 Mauritius reports that Eugenius had forbidden his daughter from marrying, unless Mauritius first paid a very large sum of money. After this was done, and after Josephina had left, the Bordeaux Tribunal declared the marriage valid. Mauritius immediately appealed to the Vatican. While the appeal was pending, Josephina, upon returning to France, was properly invited again to appear before the court; but she again refused. The Vatican upheld the judgment of the Bordeaux Tribunal, and on June 22, 1895, it responded: the sentence was to be confirmed. This response could not please Mauritius; therefore, he requested the benefit of a new hearing, which was granted to him. Hence, the Sacred Congregation of the Holy Office ordered the Archbishop to initiate a new process, and, after summoning Josephina, to question her according to the norms of law. Then, an unexpected event occurred. For Josephina, who, after the divorce, inflamed with a disgraceful passion for a military officer, had entered into a union with him, upon reading the first edict, at the urging of her lover, wrote to the Archbishop of Bordeaux and announced that she would soon travel from Russia, where she lived, to France. And on the appointed day, she testified that she had been forced and wept as she entered into the marriage. The Archbishop sent these responses to Rome, and the case was again discussed. On April 7, 1900, under the formula of doubt: "Whether one should adhere or recede from the previous decisions," the response was: "From what has been presented, it does not appear that the marriage is null, and one should adhere to the previous decisions." And when the question was again proposed in the plenary sessions of the previous year, on April 27, under the formula of inquiry: "Whether one should adhere or recede from the previous decisions in this case," you judged that the response should be: "Adhere to the previous decisions." Finally, since the man, alleging new circumstances, has again obtained the benefit of a new hearing, this case returns to be discussed in today's sessions. The patron of the plaintiff recalls, first of all, the arguments that were presented in the

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previous proceedings.

[*Latin ed. p. 324*]

324. Ex S. G. Concilii thesim nullitatis matrimonii fulciebat: mox difficultates perpendens, quae S. O., suo iudicio, ne nullitatem declararet, dehortatae sunt, animadvertit has post novissimam processus instructionem omnino evanuisse, ita ut hodie matrimonii nullitas in dubium revocari, iuxta ipsum, non possit. Matrimonii nullitas, inquit, sustinebatur ex eo quod Iosephina non sponte matrimonio consensit. Minis eam pater et vexationibus ad contrahendum coegit ita ut actus, qui ex natura sua esse debet prorsus liber, libertate careret. Quod et Iosephinae responsionibus iudici rite datis et plurium testium depositionibus probatur. Haec Iosephina sub iurisiurandi fide retulit: "Mon père m'a présenté Mr. Maurice... Mon cœur était complètement ailleurs, et j'ai repoussé les premières démarches... Il était très important pour les intérêts de mon père d'avoir l'appui de Mr. Maurice et de son fils... Mon père voulait absolument mon consentement. Il agissait sur moi par intimidation. Il m'a dit souvent: Si tu ne consens pas à ce mariage, je me suiciderai; je prendrai du laudanum, tu me feras mourir de chagrin. Il prenait souvent un revolver comme s'il voulait le tourner contre lui même. Mes parents m'ont enfermée dans une chambre dans la crainte de ma fuite.... J'ai donné le consentement par crainte de scandale, et sous la pression de mon père." - Haec, urget orator, testes una voce confirmant, et plures ex scientia propria. Berta quae Dno Iosephinae patri famulabatur haec protulit: "Quand Mr. Maurice se présentait, le père de Josephine le recevait très bien, mais il était obligé de pousser sa fille, de la forcer même pour la faire entrer dans le salon. J'ai entendu Mr. le père dire à sa fille: Il faut que tu te maries avec Mr. Maurice. Il a de l'argent, toi seule peux sauver notre situation. - La fille déclarait qu'elle ne voulait pas de ce mariage. Un jour le père dit à sa fille montrant un poignard: Tu vois ce poignard qui est bien affilé; si tu refuses ce mariage, je suis capable de m'en servir. - Une autre fois, en montrant à sa fille un flacon de laudanum,..."

[*Latin ed. p. 325*]

BORDEAUX. 325. "Monsieur," dit le père, "si vous refusez ce mariage, je suis capable de boire le contenu de ce flacon..." Les parents la surveillaient de très près, l'enfermant même, craignant qu'elle ne s'échappe..." Et Jeanne, qui était elle-même dévouée au service du Seigneur, a vu et entendu : "Après la demande de Monsieur Maurice, des scènes violentes avaient lieu quotidiennement entre les parents et leur fille... Monsieur le père disait à sa fille : 'Il faut que tu te marries à Maurice ; c'est nécessaire ; sinon, je ferai un malheur : je me tuerai...' Monsieur le père menaçait de se tuer si sa fille n'épousait pas Maurice ; je l'ai vu prendre sa fille avec brutalité et la secouer en disant : 'Il le faut.' Et cela, je l'ai entendu souvent.

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Ils enfermaient leur fille, de crainte qu'elle ne s'échappe et qu'elle n'aille trouver celui qu'elle aimait (Monsieur Ostermayer). Elle m'a dit souvent qu'elle ne voulait pas d'autre mari." Jeanne Martin, qui a présenté ces témoignages, a déclaré : "La fille était forcée d'accepter Monsieur Maurice ; le père menaçait sa fille de se tuer si elle refusait ce mariage... Ces menaces, je les ai entendues souvent... J'ai vu plusieurs fois Monsieur le père ouvrant une fenêtre, et je l'ai entendu menaçant sa fille de se précipiter par la fenêtre si elle ne consentait pas au mariage avec Monsieur Maurice." - "De toutes ces choses," dit l'avocat, "il est maintenant évident qu'il y avait une preuve directe du défaut de consentement, même avant que le nouveau processus ne soit accompli, par le nombre et la gravité des témoins. Et les preuves circonstancielles n'étaient pas en reste pour corroborer la preuve directe," poursuit l'avocat. "En effet, puisque la crainte est par nature subjective, tous reconnaissent que le juge doit, lorsqu'il statue sur le défaut de consentement, effectuer un examen très minutieux des qualités de l'esprit des personnes impliquées dans l'affaire. De là découle que, d'une part, si des menaces sont prouvées, la preuve circonstancielle est absolument nécessaire pour prononcer la nullité du mariage, en raison de la dépendance de la partie lésée envers celui qui a proféré les menaces. D'autre part, la nature de cette dépendance constitue un autre fondement pour le jugement : pour la nullité si elle est violente, pour la validité si elle démontre une âme douce."

[*Latin ed. p. 326*]

326 FROM THE HOLY GENERAL COUNCIL. In this case, according to the advocate, both of these circumstances clearly concur. All the witnesses affirmed that Josephine was so constituted under her father's authority that she was entirely dependent upon him; and all described the father as brutal, almost insane, not averse to scandal or crime, and deaf to the voice of conscience and reason. Regarding Josephine's character, the witnesses testified as follows: "Her father always dominated her through fear," said Joanna G. "The influence of the father and mother on their daughter was enormous, and still is," said A. Fonade. And Father Nazereau testified: "Beneath the appearance of a strong character, Miss Josephine readily yielded to the wishes of her family, and especially of her father... who had a very great influence over her daughter, and even an absolute influence." And regarding the father's character, B. stated: "His character was very impetuous and very violent." And Joanna: "The character of Mr. the father was violent and brutal." And Nazereau affirmed: "Mr. the father was of a violent, absolute character, stopping at no means to achieve his ends." "He was," said L. Maurice, "brutal, without faith or law, stopping at nothing to make a financial deal succeed. He was so brutal that he sometimes fought with his workers." These statements fully agree with what Josephine herself stated in her interrogation: "My parents exercised absolute power over me." To

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all of this, the advocate continues, is added the evidence of the reason for which the father was urging Josephine to marry Monsieur Maurice. A. testified "that the father and his family had no credit in Bordeaux; their affairs were threatened, as subsequent events showed... They wanted to use the son-in-law: to entrust all the affairs to him, and through him, to restore the reputation of the family." And the advocate writes: "Mr. the father appeared (in the month of September of that year in which the marriage was celebrated) with a misappropriation of social funds of two hundred and fifty thousand francs; with a dismissal of management, and the motivated appointment of an administrator..."

[*Latin ed. p. 327*]

BORDEAUX. 527, un administrateur judiciaire, et enfin, avec les dettes de Montmorency : un million cent mille francs. Cette situation est établie par des documents judiciaires, et la faillite viendra la confirmer. "Quod cum ita sit," il est facile de comprendre pourquoi Eugène a contraint Josephina : et les témoignages, tant de Josephina que des autres, confirment cela. De plus, selon l'avocat, il y avait, comme troisième élément, des circonstances qui précédaient le mariage, ou qui y étaient liées, et qui appuyaient cette conclusion. Il est rare qu'une femme forcée au mariage ne montre pas sa douleur : il est plus rare qu'il n'y ait pas de lutte des sentiments, lorsque, bien que le corps consente à l'acte conjugal, l'esprit est en désaccord : et il est très rare qu'une femme, après un mariage non librement contracté, n'ait pas horreur des étreintes de son mari, et qu'elle ne se donne pas à la fuite, ou qu'elle ne détruise pas la paix domestique par ses plaintes quotidiennes. Mais, selon l'avocat, tous ces éléments, qu'ils se soient manifestés avant le mariage, pendant l'acte même du mariage, ou après, indiquent un consentement forcé dans ce cas ; ce qui était évident même dans les propositions précédentes de cette cause, avec une telle clarté, qu'ils pouvaient, par eux-mêmes, ou par d'autres arguments présentés, revendiquer leur propre autorité comme preuves directes.

DISPUTE SYNOPTIQUE.

La défense de la femme. L'avocat, reprenant les éléments précédents, rappelle que Josephina était fiancée à Maurice, qu'elle détestait son apparence et ses attentions, et qu'elle se plaignait constamment d'être forcée par son père à aller au mariage. "Quand M. Maurice se présentait," dit Berta, "M. le père... était obligé de pousser sa fille, de la forcer même pour la faire entrer au salon.... Dans une circonstance, M. Maurice envoya un magnifique bouquet. Je suis allée le prendre dans les mains de la fleuriste. Je l'ai porté à Mlle. Josephine qui était sur le point d'entrer au salon. Elle voulait cracher sur le bouquet ; mais comme j'ai détourné moi-même le bouquet, la salive m'est tombée sur la manche." "Elle disait : mes parents

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veulent me marier, mais je ne veux..."

[*Latin ed. p. 328*]

328 FROM THE DECREE OF THE COUNCIL: "They want to marry me for their own benefit." And Mr. [testifies]: "The attitude of Miss Josephine towards her fiancé was full of ill humor. Her attentions seemed to irritate him." Witnesses: G. Anglade, C. Suberville, and A. Tabuteau. — "Fear and violence are most clearly demonstrated by excessive aversion and repugnance before the marriage," stated the Rota in a Roman nullity case before Bevilacqua on May 24, 1655 (p. XII, dec. 27; § 17). Therefore, the advocate argues, this fear is demonstrated by the preceding events. The advocate, proceeding to the accompanying circumstances, recalls that, as the wedding day approached, Josephine's sadness increased, and finally, on the wedding day itself, she displayed a sign of weakness: "In the contract before the notary," says O. Montalier, "she was absolutely cold. She must have been crying, because her eyes were very red. When her fiancé presented her with a bouquet, she did not thank him and disdainfully said to put the bouquet in a corner." "At the civil marriage," testifies A. Faidit, "she was sullen, and when the civil registrar presented her with the pen to sign, she was very slow to decide." And Mr. Roche: "She wiped her eyes as if she were crying." And B. Lacoste: "At the moment when she was preparing for the marriage, I heard her say: 'What misfortune! What misfortune!'" Witnesses: P. Suberville, F. Roche, O. Montalier, and others. — It is written: "Fear is presumed to have been instilled in him who weeps at the marriage contract" (Menochius, De praes. l. III, praes. IV, § 15; see also Mascardum, De Prob, conci. 1055, § 47, and the Rota, in the aforementioned decree, § 19). Therefore, again, the advocate proclaims, confirmation of fear is found in the accompanying circumstances. Then the advocate proceeds to the events that followed the marriage, and from these, he affirms that the proof of his thesis is made even clearer. For, scarcely married, Josephine rejected her husband and responded to expressions of love with words bursting forth from hatred. And she fled the house three times within a period of four months.

[*Latin ed. p. 329*]

BORDEAUX. 529. For the third time, she would not return: "The spouses," testifies Mr. Roche, "came to my house about a month after the marriage. She (Josephine) responded very poorly to my brother (Maurice) and rejected his attentions." And Montalier affirms: "I was a witness in Salignac to a brutal rejection by Miss Josephine of the gracious advances of her husband." "I read," writes Mauritius (in her notebook where she recorded her impressions), "these words: Oh, how unhappy I am! My parents forced me to marry a man I did not love; my heart will always be with the one I love. I was so happy when I walked under the large chestnut

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trees!" "I told her," recounts Mr. Tabuteau, "that she would soon become a mother. She replied: If I knew I was pregnant with my husband's child, I would have an abortion immediately." And B. Lacoste affirms: "In the evening, when Mr. Maurice wanted to enter his wife's room, she would cry out: 'Murderer!'" U. Dulac, G. Girand, and L. Faydit corroborate this. To which the speaker adds: "This marriage was consummated about twelve days after the celebration of the marriage, twelve days of resistance on the part of the wife; and after the consummation of the marriage, she said to me: 'You have had me in the flesh, but you will not have me in the heart.' I still love Mr. Oestermayer." The speaker argues, citing Scripture, "It is said that an open sign is that the girl was married against her will, from her lamentations, protests, tears, and sighs after the marriage... repeatedly expressed by the girl; and therefore, as if she were unmarried, she refused to lie with her husband" (Rota, ibid. n. 19-21); and "Fear is presumed when, after the act is committed, the one who committed it flees" (Mascardus, De Prob, conci. 1055, n. 46). Therefore, he concludes, the nullity of the marriage is inferred from these subsequent circumstances. To these very serious indications, the lawyer adds a fact which, according to him, is irrefutable and supports the thesis of nullity. Indeed, Josephine, at a time when she was not suspected of being properly disposed for marriage, contemplated, out of fear, the possibility of avoiding the fulfillment of her marital duties. This is what they teach us.

[*Latin ed. p. 330*]

330. From the records of the Sacred Congregation, the parish priest and the nun, to whom Josephine revealed this matter, are mentioned, and whose counsel she sought. "Miss Josephine told me," said Sister Ephrem of the Good Shepherd, "that she wished to have her marriage annulled by the Church, because she had been forced by her parents to marry Mr. Maurice. I advised her to address herself to the parish priest of Bruges; which she did." And the parish priest of Bruges testifies: "Mrs. Fay... born Vernaud... came to see me with the Superior of Saint Germain. She informed me of her intention to request the religious authority to annul her marriage. I replied: The Church does not annul marriage, but it can declare its nullity, if such nullity exists due to violence and lack of freedom in the consent. Mrs. Maurice did not reply to me; but she asked me for a treatise on marriage for her lawyer. I lent her Carrier's treatise, indicating pages vi and meta." The circumstances in which Josephine found herself at that time, the speaker continues, entirely remove any suspicion of fraud or falsehood. And indeed, it is said that, having undertaken a long journey, Josephine, having confessed her sins, had been refreshed by the Eucharist, as is narrated by both the parish priest and the nun in their sworn depositions. Regarding the reason why the cause was not further pursued by Josephine, but rather abandoned by her, the lawyer replied, because her parents

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were unwilling. And this is confirmed by a letter written by Josephine. "I cannot make the journey to Bordeaux without irreparably angering my family," and the same Josephine, confirming under oath, stated that, later, without her parents' knowledge, she followed her husband's urging, to whom she was joined by a civil bond. "I did not want to appear earlier, because I was still dominated by the fear of my parents: currently, they are unaware of my démarche." Therefore, upon returning from the journey, she confirmed to the parish priest and the nun what she had told them, in a private conversation with Mr. Larronde, as is proven by Mr. Larronde's sworn deposition.

[*Latin ed. p. 331*]

BORDEAUX. 331 Having thus demonstrated the nullity of the marriage, the advocate proceeded, and in further arguments of the case, spoke of certain words uttered by Josephina, reported by witnesses, from which it appeared that, rather than being compelled, Josephina had consented to the marriage. "When she descended from the carriage in front of the Church of Our Lady," testified B. Lacoste, "I said to her: 'Are you very happy to be Madame Maurice?'—'In three months I will not be; be silent.'" These words, the advocate maintained, were perfectly consistent with a lack of consent, because he who is compelled to do something, when the force ceases, by the very nature of his reaction, considers the possibility of regaining his freedom through escape. Furthermore, even if these words were to be recalled by Josephina herself, according to the advocate, they would provide a new ground for nullity, namely, consent given without the intention of permanently binding herself. It was through such artifice that Josephina had sought to escape, in order to avoid being led to the marriage bed. But in such a condition, the marriage contract is considered null by all, for consent without the intention of a perpetual union is not true consent. "The contracting party must at least implicitly intend the good of the sacrament; this happens when he does not have a contrary intention... therefore, if he had, even in his heart, an intention contrary to the good of the sacrament, that is, if he intended not to enter into marriage except for a time, it would not be a true marriage." (Sánchez De Sacr. Matr. 1. II, disp. 29 n. 11). Having thus explained what had been presented in the preceding discussions of the case, the advocate proceeded to address the difficulties that had prevented the declaration of the nullity of the marriage. First of all, the advocate noted that no argument could be derived in favor of the validity of the marriage in the case at hand, according to the opinion of the Judge of Bordeaux; for he, after hearing the wife and the witnesses presented by Maurice in a second investigation, considered the marriage invalid: "After having heard the wife, who at the beginning had refused to

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appear before the..."

[*Latin ed. p. 332*]

332 From the records of the Tribunal of the Council: After having heard the new witnesses and the former witnesses, the latter being much more explicit than in their initial testimony, I have acquired moral certainty that the wife, being dominated by her father, did not possess the freedom required by the Church to give to the marriage a valid consent. "Perhaps," said the advocate, "three arguments have been presented in favor of the marriage, which do not yet establish its nullity: firstly, from the nature of Josephine, which some witnesses asserted to be independent and unyielding in opposition; secondly, from the ease of her character, which seemed to detract from the credibility of her words; and finally, from the existence of certain indications, which appeared to demonstrate the absence of free consent in Josephine, and in particular, that after fleeing, she desired to return to her husband, while being held under the custody of her parents. — These," said the advocate, "had already been refuted in previous arguments, but perhaps not sufficiently, in your judgment. Regarding the first point, it had been stated that, although Josephine was independent, she ought to have yielded to the stronger and more forceful nature of her father. Regarding the second point, evidence had been presented by the judge himself, who had received Josephine's responses, that she was to be considered trustworthy. Regarding the third point, these indications had been explained and reconciled with the thesis of nullity; noting that Josephine, after fleeing, somewhat desired the company of Mauritius, because, being bitterly opposed by her parents and held as if in a narrow prison, she preferred the lesser evil to the greater: "Being sequestered," said Josephine, "I wanted to regain my freedom." And F. Petignot testifies: "She told us that, tired of being without freedom, she preferred to return with her husband." But if these things seemed insufficient to you, now, according to the advocate, the nullity of the marriage, after this new process of examination, cannot be doubted. And firstly, concerning Josephine's subjection to her father's will. The workers and others who were subject to the administration of the enterprises undertaken by Josephine's father, proclaim this with one voice, in the most violent manner, so that even the strongest ironworkers and those who...

[*Latin ed. p. 333*]

BURDIGALA. 333: "Monsieur V., ait A. Terral, avait un caractère très violent. Il faisait trembler tous ses ouvriers; il les menaçait de mort." Et P. Plisson ait: "Le père de Josephine avait un caractère violent, emporté, autoritaire, et imposait son opinion à tout le monde. Il avait des revolvers à portée de main, et on craignait de l'approcher dans ces moments de colère." De plus, il est attesté qu'il était si féroce dans sa colère qu'il ne s'abstenait

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pas d'un acte qu'il considérait nécessaire pour atteindre le but qu'il s'était fixé. Et ils témoignent de pièges tendus par lui à la vie de Mauritius, qui avait été artificieusement invité sur l'île de Cazeaux: ces pièges, cependant, ne se sont pas concrétisés. Monsieur Maurice témoigne de cela. "Que de dire, s'exclame l'avocat, si un tel père pouvait contraindre sa fille, même réticente, à se marier?" Ceci est plus facilement compris si l'on considère ce que les témoins racontent sur le caractère de Josephine, ceux qui la connaissaient bien: "Elle avait beaucoup peur de son père, dit Bechaud; son père la dominait; c'était l'opinion des serviteurs et servantes de la maison." A. Plisson, A. Terrai et d'autres confirment cela. Et il faut noter, poursuit l'avocat, que ces témoignages sont basés sur une connaissance directe; plusieurs ont donné leur témoignage à un moment où ils n'étaient pas suspectés, lors d'une enquête menée par un juge laïc dans le cadre d'une procédure pénale; les autres ont été déclarés dignes de confiance par l'Église ou par le curé. Et, plus important encore, insiste l'orateur, ces affirmations sont confirmées par certaines lettres de Josephine, d'où l'on déduit l'ampleur de la terreur que son père lui inspirait: "Mon père, écrivait Josephine à Mauritius le 2 août 1886, est très en colère et me fait peur; après réflexion, je voudrais essayer de m'échapper de sa maison." Et dans une lettre à sa mère, envoyée le 13 août 1886, elle écrivait: "Je vous prie, ma chère mère... vous êtes là pour tout concilier, apaiser mon père." Par conséquent, conclut l'avocat, la première objection présentée aujourd'hui est pleinement réfutée. Et, insiste l'orateur, la crédibilité de Josephine ne doit pas être niée. Car dans un tel cas, il existe une preuve si accablante, si vehemente...

[*Latin ed. p. 334*]

334. It has rarely, or perhaps never, happened that something like this occurred, according to the decrees of the Council. Indeed, the letters written by Joseph, after the abandonment of the marital bond, were written while the man was attempting to overcome his hatred. The speaker states that these letters lack fear of lying, because at that time, there was no reason to lie; they also lack fear of fraud, because for many years they lay in the criminal court's archives, while no one had considered their existence during the preceding discussions of this case. However, at the insistence of the defense, an investigation was conducted in the criminal archives, where the letters were fortunately discovered. In these letters, Joseph wrote nothing other than what she had presented to the judge: "It is useless to continue your efforts. I do not want, and am not, and have never been your wife. Everything is finished... You know all of this; you are wasting your time by insisting." (July 7, 1886). "I have not changed my feelings towards you, and I do not consent, any more than in the past, to be your wife; however, in the eyes of the world, I am your wife." (August 2, 1886). "I cannot and do not want to return. I am at the Île Cazeaux. I will never see you again. Above all, do not expose yourself to misfortune by attempting new efforts.

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I confess to you that my decision is definitively made. The world will say what it wants; but I cannot play the role and pretend to be your wife and to love you. That is where I should have started if I had had sufficient will." The speaker insists that there is no doubt about the authenticity of these letters, as testified by the very defender of the bond in the Bordeaux court, who recognized a copy that was sent to Rome. Furthermore, the lawyer continues, with these same letters, the third objection is refuted. It was stated earlier that, after fleeing the marital home, Joseph was held under the strictest custody by her father, and that she was forced to consider returning to her husband, choosing between two evils. Does not the letter of August 2, 1886, say the same thing, that at that time, while she desired to return to her husband, Joseph wrote? "I do not know if this letter will reach you, because I..."

[*Latin ed. p. 335*]

BORDEAUX. "Je suis surveillée de tous côtés. Je n'ai pas changé mes sentiments envers vous, et je ne consens pas davantage qu'auparavant à être votre femme ; mais afin de mettre fin au scandale et d'éviter un malheur de la part de mon père, qui est très irrité et me fait peur, après avoir réfléchi, je voudrais essayer de m'échapper de sa maison. Mais comment faire ? — Nous serons malheureux ensemble, parce que l'amour ne se commande pas. Cependant, aux yeux du monde, je suis votre femme. D'autre part, je suis ici dans une prison et un enfer. J'en perds la tête. Que faire ? Que faire ?" L'avocat conclut ainsi : "Quoi que puisse être l'objection que vous avancerez, je suis convaincu, et je vais faire connaître la nullité du mariage, afin que la vérité éclate." De plus, si quelque chose semblait encore nécessiter une confirmation, un résumé, selon l'avocat, le fournit. Et il ne manque pas de nouveaux témoins qui témoigneront des sévices et des menaces par lesquels Joseph était forcée de se marier. De plus, dit le défenseur, la preuve est renforcée par de nouveaux éléments du procès, d'où il ressort un fait qui nous était jusqu'à présent inconnu : Joseph s'est enfuie de la maison paternelle afin de se soustraire à la contrainte : "Elle s'est enfuie à Bergerac, témoigne I. Dechans, pour échapper aux obsessions de son père ; elle s'est réfugiée près de son oncle Antonin Villetel, qui m'a recommandé de ne pas recevoir sa nièce chez moi, de peur de me causer un mauvais problème avec M. son père." En outre, insiste l'orateur, du dernier procès, non seulement la preuve directe et indirecte de la nullité du mariage est complétée, mais aussi les faits que Mauritius nous a exposés sont prouvés. Il a dit que le père de Joseph, étant dans une situation très critique, avait vu en lui-même le tableau d'un naufrage, ce qui est maintenant clairement confirmé par le nouveau résumé. Certains témoins, lors de l'instruction initiale du procès, n'ont pas tout dit qu'ils savaient, parce qu'ils avaient peur du père de Joseph, et, selon l'orateur, le nouveau résumé montre clairement quel danger couraient ceux qui s'opposaient d'une manière ou d'une autre à

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ses volontés. Suite à mon témoignage à Blaye dans l'affaire de l'île..."

[*Latin ed. p. 336*]

536 From the records of the Council of Cazeaux, it is stated: "Terral was dismissed with a threat of being killed if he set foot on the island again." And B. Bechand testifies: "I went to Mr. Parinet, who invited me to take a rifle and shoot (at Mauritius). I replied: 'Mr. Faydit has done nothing to me; I refuse...' Eight days later, I was dismissed from the construction site." And J. Deschans states: "Those who refused to obey his orders were dismissed."

OBSERVATIONS OF THE DEFENDER OF THE SACRED BOND. From the opposite side, the defender of the bond argued that, based on newly presented evidence, the nullity of the marriage in this case had not been proven. To demonstrate his thesis, he first recalled the strongest arguments that had been presented in the previous stages of the case, both by the plaintiff's advocates and by the defenders of the bond; then, regarding the most recently presented documents, he raised objections.

Regarding the first proposition of the case, he stated that the essence of the plaintiff's argument was to prove that the bride had consented, both willingly and under duress. Indeed, as evidenced by the testimony of certain witnesses, who reported that the bride had said and done things that demonstrated her external and verbal consent, because she loved another man, and she did not marry Mauritius except to obtain her freedom and to escape from her father's house. Moreover, not only was it feigned, but also coerced, if the bride had repeatedly stated that she entered into the marriage under coercion from her parents. The advocate attempts to prove this from the testimony of the bride herself, as well as from the testimony of the witnesses, the sister of the bride, Maria Barges, of the Good Shepherd, and Aloysia Tobouteau. Furthermore, the advocate appeals to the authority of the parish priest of Bruges, who testified that the bride had openly expressed her desire to challenge the validity of her marriage before the Church due to a lack of consent.

However, to more easily achieve his goal, the plaintiff also addressed some objections raised by the defender of the bond from Bordeaux, and contained in the judgment, such as those based on the character of the bride, who appears to be such that it would exclude the possibility of her experiencing fear. The defender of the bond, on the other hand, is entirely focused on proving that the bride consented both truly and freely. And, according to him, this is evident:

[*Latin ed. p. 337*]

Bordeaux. 337 a) Firstly, because, after the civil divorce, the bride indeed conceived the hope of obtaining from the ecclesiastical authority a judgment of nullity due to coercion and fear, but she abandoned this hope and did not initiate a cause [for nullity]; b) Secondly, because, according to the

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testimony of the groom himself, the bride gave her consent so freely before the parish priest and witnesses, that she did not even reveal the slightest indication of coerced consent; c) Thirdly, because the reasons which the groom adduces to suggest coercion do not exclude all prudent doubt to the contrary, as can be gathered, for example, from the assertion that the bride's father threatened to deny her other marriages, thereby causing her to refuse Mauritius; for the witnesses, with one voice, present the bride as a woman who readily obeyed the will of her parents; d) Fourthly, because her actions, more eloquent than words, demonstrate that the bride was not subject to any fear of her parents, nor did she need her father to arrange a husband for her. Indeed, it is known from the groom and the witnesses that Joseph, when she was about sixteen years of age, fled from Paris, and was found eight days later in a lodging house with a certain painter; e) Fifthly, the testimony of Mauritius Larronde is of little value, who claims to have heard from the bride an invitation to celebrate a marriage with Mauritius; and this not only because he speaks too generically of alleged fear, but also because this witness was brought forward after the publication of the judgment, and therefore at a suspicious time, and also because it is not easily believable that the bride would have spoken to a man so unknown to her about such matters; f) Finally, because, if the bride had been unwilling to enter into these marriages, she would not have acted in such a way that, when threatened by the groom with withdrawal from the marriage unless she first sacramentally confessed, she would have behaved in this manner, because she did not even prefer the more noble church of Notre-Dame for the celebration of the marriage, but rather the parish church of her own district, for the sake of greater pomp. In the second part of his argument, the defender of the marriage bond, the new advocate for Mauritius, divides his plea into three parts, namely: first, he expounds the canonical theory regarding coercion and simulated consent, and the proof of either; second, he attempts to prove that the bride was married: 1. under coercion; 2. deceptively. Acts, Volume XXXV, page CDXIV, line 22.

[*Latin ed. p. 338*]

338 FROM THE HOLY GENERAL COUNCIL: Furthermore, in the first place, it demonstrates coercion by: a) presenting the testimony of a woman, from which it is clear that she entered into the marriage under fear, due to a serious and forceful pressure exerted to obtain her consent; b) resolving certain objections raised, for example, that the threatened evil did not pertain to the bride, but to her father; c) upholding the veracity of the bride, first because she herself affirms that she withdrew from obstinacy: for the sake of her conscience; then because of the tears shed before the judge in Bordeaux, when she gave her testimony; d) because the morals and behavior of the bridegroom preclude the possibility that he obtained the bride's testimony through bribery; e) it proceeds to strengthen the testimony through

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the statements of witnesses, and finally, it appeals to evidence that preceded or followed the celebration of the marriage, such as, for example, tears, complaints at a time when suspicion was not present, refusal of the marriage, etc. f) Finally, it resolves objections raised based on contradictory evidence, for example, based on the bride's previously demonstrated fearless and indomitable character, etc. But in order for the bridegroom's advocate to prove that the bride feigned consent, he would argue: a) based on certain words of the bride herself; b) based on witnesses and evidence that confirm those words. But the defender of the marriage bond firmly affirms that neither coercion nor simulation is present. And with regard to coercion, he attempts to prove: a) because the validity is favored by two judgments; b) and because of the 12 witnesses recently heard, 8 had already been questioned in the previous proceeding, and are therefore somewhat suspect; c) because the bride declared: "This marriage flattered my self-esteem"; d) because actions such as, for example, the choice of the church of Notre-Dame for the celebration of the marriage, the manner of expressing consent before the priest, etc., exclude coercion; e) because the cause of the discord is to be attributed not to the bride's indomitable character, nor to the misfortune of her father in Aversa, but to the groom, who is guilty of adultery and cruelty, hence the civil judgment of divorce; f) because the bride did not cease to be obstinate, unless she was offered a bribe by the groom.

[*Latin ed. p. 339*]

BORDEAUX. 339. nia; g) quia sponsus fidem non meretur, sicut ille qui moribus non commendabilis est; h) tum quia uterque sponsus habetur ut suspectus, cum duo videntur festinare corrigere depositiones iam factas; a qua nota non sunt immunes aliqui ex testibus, etc., etc. Quod vero pertinet ad simulationem, vindex hanc excludit: a) eo quia in actis non probatur assertus vehemens amor sponsae cum adv. Ostermayer; b) imo, exinde constat eam appetisse, licet frustra, turpes amores cum alio viro ab adv. Ostermayer; c) eo quia, cum coram Ecclesia contraxerit, non est ei credendum simulationem fatenti, ad tramitem Glossae in C. 26, De sponsalibus. Tandem, ait orator, in tertia propositione, patronus actoris, praeiacito principio, se in antecedenti propositione fuse probasse mulierem tum coacte tum ficte consensisse, universam orationem suam convertit ad demonstrandum sponsam in sua confessione plenam mereri fidem, nullamque inter coniuges suspicandam esse collusionem, idque liquere ex novis testimoniis novisque argumentis, inter quae, v. g., testimonium Adv. Zanareau, et declaratio ipsius iudicis eccl. burdigalensis, qui, attentis quae sponsa, purgata contumacia, deposuit, declarat se recedere a priori sententia et hinc matrimonium habere ut invalidum. Eundem in finem tum recurrit ad indicia et praesumptiones, quae nuptias praecesserunt, tum conatur purgare sponsum nota adulterii, etc. Sed vinculi defensor totus in eo est, ut firmet

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vera esse quae iam antea fuerant asserta et probata: a) de vera causa dissentionum seu de adulterio sponsi; b) de concepta prius ac dein abiecta spe ex parte sponsae obtinendae declarationis nullitatis; c) de litteris quas sponsa dedit ad sponsum iam inde ab anno 1892, et ex quibus haud obscure erumpit studium collusionis, et hinc pretium obtinendi attestationis suae, etc. Hisce praehabitis, Sacramenti vindex gradum facit ad confutanda novissime allata documenta, et contendit nonnulla adesse, quae merito obstare videntur, quominus act-

[*Latin ed. p. 340*]

340 May the wishes of the Most Holy Council and its patrons be fulfilled. And indeed, it is said that in the prayer of the patron, two things deserve special attention, namely: 1. that proofs, previously presented, are asserted with excessive boldness to be of such a nature that they have left behind only certain fleeting doubts; 2. that new arguments presented are affirmed with excessive confidence to be of such a nature that they suggest, regardless of any difficulties, that a judgment of nullity should be rendered. And concerning the first point, the defender of the bond says that, in the three preceding propositions, the cause of nullity was constantly asserted by the patrons, namely, either the simulation of consent on the part of the bride, or at least the giving of consent through force and fear. Indeed, the external argument, although of great weight, suggests that they have not sufficiently proven their intention, not only considering the quality of the judges, but also considering the circumstances of the case, such as the great interest of the actor in providing arguments, as well as the most diligent care of the patrons in presenting, arranging, and exhibiting the arguments in the most orderly manner. In truth, this cause of nullity, initially introduced and resolved against in the court of Bordeaux, and then appealed to the Most Holy Council, has been rejected three times, not once or twice, but three times. Indeed, a judgment pronounced uniformly four times, even though all arguments of law and fact have been carefully considered, seems to suggest a strong presumption of truth and justice, so that it is not permissible to depart from it, unless very serious arguments are presented, and indeed such arguments that both provide the most evident proof and exclude any suspicion of collusion. Furthermore, the speaker continues, internal arguments are added to the external arguments, which, based on the new evidence, suggest that the judgment was rightly rendered. Indeed, the simulation of consent has been alleged three times, but it has never been legally proven. It is well known that, in order to establish nullity due to simulation, it must certainly be proven that the words by which the consent was expressed before the priest and witnesses were, in truth and reality,

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nothing more than empty words.

[*Latin ed. p. 341*]

BURDIGALENSIS. 341. Concerning the empty sound of vain words: which is most difficult to prove, since, for example, it is possible that someone, having feigned a willingness to marry before the marriage, afterwards, with a changed mind, actually wishes to enter into the marriage... Also, it is possible that someone appears to have either a false or a substantially vitiated consent, and yet have a true and genuine consent, as might happen if, for example, someone raised in a heretical sect, in which divorce is permitted in cases of adultery, when they marry, does not properly intend to enter into a marriage for life, but intends to enter into a marriage in such a way that, should adultery occur, they will later claim their supposed right to dissolve the marriage. Indeed, in our case, the assertions made about the bride's lack of intention to enter into a perpetual marriage, because she intended to separate from the man, are certainly not such, according to the defender of the marriage, that it can be immediately concluded that she lacked true and genuine consent to enter into the marriage. The orator says, "We can easily conceive that the bride truly intended to marry, but did not fully intend to fulfill the duties that would follow from it, which is sufficient for validity, just as it is sufficient for the value of a religious profession, if someone professes to embrace a religion, but does not persevere." Therefore, Scavini rightly writes, in *Theologia Moralis*, edition 13, under the title *De voto*, no. 48, in a note: "It should be noted that a vow is valid, even if someone, while making the vow, intends to obligate themselves, but does not intend to fulfill the vow; for the vow does not require the intention to fulfill it, but the intention to obligate oneself." Furthermore, the defender of the sacrament continues, the alleged cause of nullity was force and fear. And how much has been asserted and disputed on this matter, both by the plaintiff's advocates and by the defenders of the marriage, especially after the woman, in order to clear herself of contumacy, appeared before the judge in Burdigala, you know, Most Excellent and Most Reverend Fathers. But now, a new argument is requested to support the judgment, and indeed not an external one based on the authority of repeatedly decided cases, but an internal one based on the weakness of the arguments presented by the plaintiff. For, how strongly he asserts...

[*Latin ed. p. 342*]

342. The arguments presented by the defender, in support of his client, were such that they left scarcely any room for doubt, and who would not consider this assertion to be exceedingly bold, when the negative response of the Sacred Congregation clearly indicates that the arguments presented were not in favor of the plaintiff, but rather against him, and that they were

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deemed more equitable, more truthful, and more certain? Certainly, that assertion was more fitting for the defender of the bond than for the advocate of the plaintiff! Furthermore, the defender argues that the testimony of the plaintiff's advocate is not truthful, stating that the defender of the bond affirms that now it is clear that the bride is not entirely subject to her father. Indeed, according to the testimony of individuals who know the family of Mauritiis very well, he is portrayed as a man who constantly makes threats, and even as a man who does not abhor vice; as is evident from the plots he devised and the injuries he inflicted upon his son-in-law. On the other hand, the bride, according to the same witnesses, is presented as someone who greatly feared her father, and who was entirely under his authority, as the witness Béchaud testified: "She greatly feared her father; her father dominated her; this was the opinion of the servants and the servants of the house." However, the defender warns that the weight and authority of these witnesses should not be extended too far. Although we assume that they are free from collusion, falsehood, and perjury, and we do not wish to inquire into the reasons why these witnesses were not previously examined, as the advocate claims, that they had close relations with the family of V. and therefore could know the character of the father and daughter very well, nevertheless, their statements should be received with caution, and this at least because of the danger that the long-standing and widely disseminated rumors concerning this case and its vicissitudes, and also the consideration of the plaintiff's miserable condition, may have influenced them for a time, leading them to give answers more favorable to him than to the truth. Moreover, the advocate argues that not all the witnesses responded in such a way that it could be immediately concluded that the daughter was entirely dependent on her father. Indeed, the witness Charles Plisson, so highly praised by the Court, when asked about the character of the bride...

[*Latin ed. p. 343*]

BURDIGALEN. In the year 543, in relation to the mother, he answers without ambiguity (and his wife, or the witness Amelia Plisson, agrees): "She was proud and haughty." To the question: "Did the father have any influence over his daughter... did she always and absolutely obey his will?" The same witness, Charles, replied: "The father, I believe, had no more influence over the daughter than he did over his servants." Indeed, according to the prosecutor, such answers do not greatly support the defense's argument, for the daughter, whose character is described as "proud and haughty" towards a mother who, according to the same witness, C. Plisson, was "authoritative"; and furthermore, a daughter over whom the father has no more influence than he does over his servants; especially considering the other assertions made about her character, such as the alleged flight from Paris, which could have had such force that she would resist

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her father. Among the conditions of fear, it must also be noted that she could not, in any way, avoid the threatened evil. And this appears even more true, argues the defender of the bond, if one considers the answer of Amelia Plisson: "Monsieur V. loved his daughter very much, and the daughter loved her father very much." For, why would a daughter, relying on this love and using the arts with which women are abundant, not have tried with all her might to influence her father's mind? Nor, the prosecutor continues, did the threats rather than the daughter, concern the father... Granted. But then, one would have to presume that the daughter wanted to avert the father from evil out of filial piety! But true filial piety is, according to the prosecutor, very doubtful, considering her morals. Nor, argues the defender of the Sacrament, is any doubt dissolved, as the defense claims, regarding the morals of Iosepha, and therefore regarding her credibility, based on the new documents. For it is known from the documents that, previously, the bride had been unjustly accused by the father of having a scandalous relationship with this woman. And if this is true, the infamous woman certainly would not have been unaware of this, and the bride would not have excused her so greatly, despite the much-vaunted authority of the father over the daughter. Now, in the new documents, the witness J. Dechans answers: "It was said that the father...

[*Latin ed. p. 344*]

344 FROM S. C. CONCILI, with his daughter, having culpable relations, and I have seen them at my house in an unbecoming posture; the witness A. Terral testifies: "The public rumor was that he (the father) had even with her culpable relations..." Indeed, the advocate argues, no one can deny that these testimonies inflict a very serious new wound on the bride's reputation and credibility, and therefore, one must be extremely cautious in giving credence to a woman who is already seriously marked, for example, because of scandalous Parisian affairs, because of improper proposals made in Couin, and because of an illicit relationship, after the divorce, with a schismatic man! Regarding the letters written by Josephine to Mauritius, the defender of the bond points out that the argument derived from them may be flawed if the circumstances of the events and even the very tenor of the words used by Josephine are considered; for those words: "I do not want to be and am not and have never been your wife," create a double meaning in the mind of the reader. They seem to prove too much, and therefore, according to a well-known saying, they prove nothing. They imply that Josephine was either certain of the nullity of her marriage at that time, or at least was very doubtful about it. In no way could such words, or similar ones, come from the pen of a woman who considers her marriage to be valid in fact. But the defender of the bond proves that at that time, Josephine had no doubt whatsoever about the validity of her marriage, a) Because she said nothing about this matter to anyone, indeed,

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she did not even think about it, except after obtaining the civil divorce the following year. In folio from the office of a. 1900, page 187, the following is read: "After the aforementioned sentence of the lay court, Josephine hoped that the marriage would be annulled by an ecclesiastical judge, and for this purpose, she first went to the parish priest of Bruges, etc." b) Because, although she sometimes seemed to deny Mauritius as her husband, either verbally or in writing, she treated him, in words and deeds, as such: in words, by writing to her mother at almost the same time: "You are there to reconcile everything, to appease my father with regard to me and my husband"; in deeds, by...

[*Latin ed. p. 345*]

BORDEAUX. In letters dated the 345th day, and also on the same days, there is a desire to flee from the home and to return to the conjugal state. Therefore, the advocate asks, how are these words to be understood: "Am I not, and have I never been, your wife?" Let us not say that the woman was fickle towards herself, but rather that she said more than she truly intended to say, or that she did not revoke the validity of the marriage due to a lack of consent, but rather, through abundant words (which is common among deceitful women), she expressed her sorrow, because she did not marry Mauritius by force and fear, but because she married him without love, and that in order to please her father. And indeed, she does not recall a lack of consent, but a lack of love: "All is well ended. Why return to a man whom one has never loved? We will be unhappy together because love cannot be commanded. The world will say what it wants, but I cannot play the comedy, and pretend to be your wife and to love you." Come now, the advocate argues, if this were the case, the marriage would be wrongly impugned; for it is the consent of the parties that makes a marriage, and not love: indeed, it is true that a marriage is valid even between a man and a woman who pursue each other with the most bitter hatred. Furthermore, the defender of the bond argues, nothing can be deducted from the validity of the marriage based on the fact that she fled to the home of her uncle Villetel (according to the witness Déchans, or from the words in which the mother of the bride revealed her sorrow because her daughter was forced into marriage, according to the witnesses Plisson); for the witness Déchans, who now affirms this, did not learn of it from her own knowledge, but from the aforementioned uncle, now deceased, fifteen years ago. Therefore, her authority is only the authority of a witness who heard of it. This must be repeated, and indeed with greater force, regarding the witness Béchaud, who, in response to question 8: "Do you know if Mr. the father ever used threats or violence towards his daughter? Did he lock her up? Did she try to escape?" answered: "I heard it said, but I did not experience it myself,

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that he locked up his daughter, and that she escaped to her uncle, etc."

[*Latin ed. p. 346*]

346 FROM THE HOLY GENERAL COUNCIL: Thus, it can also be easily demonstrated, the defender of the bond concludes, that the argument derived from the words of the deceitful mother, that the daughter was forced into marriage, can be weakened, because those words: "we forced... forcing her into a first marriage," are too vague, for what kind of coercion was it? Serious? Light? True coercion, or rather, undue insistence that falls short of true coercion? Therefore, having considered these things, the following was proposed to be clarified: Whether one should adhere to or depart from the decisions made in this case. RESOLUTION. The Holy Sacred Council, after deliberation on December 20, 1902, decided to respond: Considering the newly presented information, one should depart from the previous decisions, and the judgment of the Burdigalensis court should be upheld. ON LEGAL MATTERS RELATING TO PAROCHIAL FUNCTIONS. December 20, 1902. Session 25. Chapter 1. Regarding the reference. SUMMARY OF THE FACTS. The Collegiate Church Chapter under the invocation of the Blessed Virgin Mary, conceived without original sin, in the city of Conspicua, within the Melevitana Diocese, was established by Pius VII in 1822, and from its very inception, the care of souls was entrusted to it, with the canonical Archpriest having the actual care. However, between the canons and the Archpriest, there was an opportunity for rivalry and disputes, due to severe calamities that occurred over time, resulting in a decrease in the revenues available to the canons, while one Archpriest enjoyed the benefits of a lucrative prebend, due to certain and uncertain emoluments derived from the exercise of the care of souls. Consequently, disputes arose regarding the functions that belonged to the Archpriest, who was deprived of authority concerning the chapter; and Pius VIII, in 1830, by his Constitution, sought to uproot these disputes.

[*Latin ed. p. 347*]

In Melevitana, 347, it was decided that the care of souls, after a situation arose where the Archpriest's office became vacant, should be perpetually separated from the Archpriestate, and that this same care, both actual and habitual, should be granted and united to the Chapter, to be exercised either by dignitaries and canons in turn, or by a secular priest, a designated curate, appointed by the Chapter and removable at its discretion. Consequently, all certain and uncertain revenues arising from the exercise of the care of souls were to be divided equally among the canons, including the Archpriest himself. However, the Constitution encountered several difficulties in its execution, and its implementation was postponed. With the passage of time, when another Bishop succeeded in the See of Melevitana, he worked to bring about a certain agreement, which was subsequently

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confirmed by an Apostolic Bull from Pope Pius IX in the year 1850. Even in the execution of this Bull, there were disagreements, which the Sacred Roman Rota attempted to resolve. However, with these disagreements settled through agreement, a decree was issued by the Bishop on March 19, 1852, ordering that the Constitution of Pius IX and the aforementioned agreement be put into effect. This agreement is as follows: 1.° "That the actual care [of souls] must be perpetually and irrevocably united with the habitual care [of the Chapter] and exercised by a curate appointed by the entire Chapter, with the Archpriest included, and confirmed by the Ordinary, according to the method and form hereinafter determined." 2.° "That the administration of the Sacraments and whatever else strictly pertains to the actual exercise of the care of souls belongs only to the curate; with the understanding that the Chapter retains all other rights and privileges pertaining to the exercise of this care, which are due to the Chapter solely as Rector of the Church; and that all other rights and privileges remain reserved to the Chapter as Rector of the Church."

[*Latin ed. p. 348*]

348 FROM THE THIRD SESSION OF THE GENERAL COUNCIL: "That the Archpriest for the time being shall be permanently excluded from the aforementioned office of the Perpetual Vicar; and indeed, if the Perpetual Vicar himself should be chosen to assume the office of Archpriest, he must, by that very fact, cease from the office of Perpetual Vicar and be considered to have relinquished it, and the Chapter shall immediately proceed to the election of another to assume that office. 4. "That the aforementioned Perpetual Vicar shall be chosen in turn from within the Chapter itself, in precisely the manner as was established in the aforementioned letters of Pope Pius VIII, our predecessor, namely, by granting each Chapter member the opportunity to aspire to that office, beginning with the highest dignitary after the Archpriest, and proceeding in order to those of lower rank, and finally to the simple Canons, with the proviso that, in the case of the Canons, the order of seniority in the holding of the Canonry shall be observed. 5. "That the one thus elected shall be subject to examination by the Ordinary, as is also contained in the aforementioned letters. However, this examination shall not only concern knowledge, but also other qualities required by law, so that the Ordinary shall not be able to confirm him, unless he has been judged by the Ordinary to be suitable in accordance with the Sacred Canons. 6. "That if no one from among the Chapter members wishes to assume the office of Perpetual Vicar, or if no one has been approved for that office by the Ordinary in accordance with the aforementioned form, then another priest, outside of that Chapter, endowed with the necessary qualifications, and to be examined and approved by the Ordinary as above, may be chosen by the Chapter. 7. "And concerning the revenues derived from the exercise of the aforementioned pastoral care, it has been estab-

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lished that three hundred annual scudi of Melitian money, entirely free from any charge, shall be permanently assigned to the Perpetual Vicar, in a suitable manner, and that the Perpetual Vicar shall have the power to make his own provisions from the revenues derived from the offerings known as the Paschal Benediction; the remaining fruits, after deducting the annual pension of fifty scudi of Melitian money, shall be..."

[*Latin ed. p. 349*]

MELEVITANA 549, and by Apostolic Letters of the same Pope Pius VII, my predecessor, for the benefit of the then-existing Rector of the Parochial Church of Casale Monferrato in the aforementioned Diocese of Melitene, which is a reserved diocese, it is decreed that the income from two vicars, to be appointed and removable at the will of the Chapter, and finally, the alms collected for Masses for the people, must yield to the favor of the aforementioned Dignitaries and Canons, and be distributed among them according to the form of the Letters of Pope Pius VIII, my predecessor. 8.° "Furthermore, all collections that are customarily made for the poor, and the revenues from pious legacies for the same poor, established up to the present, whether still in force or capable of being revived, must be handed over to the temporary Vicar, with the obligation imposed upon him to distribute the total sums of this kind for the relief of the aforementioned poor." Concerning this agreement, the same Constitution of Pius IX (there) states: "We hereby perpetually approve and confirm this agreement, and all that it contains, by the present Apostolic authority, and we add to this Apostolic agreement the strength and efficacy of inviolable and unshakeable firmness." Therefore, in this matter, no question can be raised as to whether the entire actual care [of souls] also belongs to the Chapter (which is often the subject of debate in such controversies), but only, as the present dispute suggests, whether one function or the other is to be understood as being contained in the delegation by which the Vicar is appointed. Furthermore, in recent years, doubts have begun to arise as to whether certain duties pertaining to the care of souls should be fulfilled by the Vicar, and whether they are considered to be assigned to him by the very act of his appointment. These questions encompass the following doubts, which have been disputed by the representatives of the parts, namely, the Vicars and the representatives of the Chapter: 1. — "According to the Apostolic Constitutions, does the entire actual care of souls belong to the Vicar in this case?"

[*Latin ed. p. 350*]

350 FROM THE HOLY GENERAL COUNCIL, and concerning the following matters: 2. — "Whether the Mass for the people ought to be celebrated by the Vicar Curate, or rather by the Chapter, in this case. 3. — "To whom belongs the right of teaching the sacred catechesis in the Collegiate

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Church, in this case. 4. — "To whom belongs the right of teaching the children the preliminary catechesis before the Holy Synod, and of designating those who are suitable, in this case. 5. — "Whether it pertains to the Vicar Curate, or rather to the Chapter, the emolument paid by the government for the association of the bodies of the poor, in this case. 6. — "Whether the right belongs to the Vicar Curate, or rather to the Chapter, of appointing Vice-parishes, in this case. 7. — "Whether and how the aforementioned Vice-parishes ought to depend on the Vicar Curate, in this case. 8. — "Whether the explanation of the Holy Gospel ought to be given by the Vicar Curate, or rather by the Chapter, in this case." SYNOPTIC DISCUSSION — The Vicar Curate as procurator in the explanation of I. Question. — Whether, according to the Apostolic Constitutions, the entire actual care pertains to the Vicar Curate in this case; he states that the Chapter is the true parochus, and that the primary care of souls resides in him, and therefore, only certain specific duties can be delegated to the Vicar Curate, and only secondarily and by way of delegation. However, the speaker continues, that this Vicar Curate differs greatly from a Perpetual Vicar in the sense in which the term is understood according to common law, the matter is already decided, and it can no longer be considered a matter of dispute, as is evident from the authentic resolution of the Holy Congregation in the case of the Collegiate Church of Melevita, on the conspicuous day of September 13, 1862. For then, when the matter was being discussed of the expenses to be paid by the Vicar Curate for the care of souls, this point was precisely to be debated; for, if the Vicar Curate truly possessed the nature of a Perpetual Vicar according to common law, he should not have been obliged to pay the expenses, given the circumstances. On the contrary, the Holy Congregation...

[*Latin ed. p. 351*]

MELE VIT ANA. 351 responded "Yes," meaning that he was obligated to settle the debts. — Furthermore, there is also present a clear resolution, favorable to the Chapter, regarding this matter. At a later time, the matter of assigning the faithful to the association of the Holy Family, according to the decree of the Supreme Pontiff Leo XIII of June 14, 1892, was being considered. — The assistant pastor claimed this right to himself, but the Reverend Cardinal Vicar, Moderator of the same association, issued a decree favorable to the Chapter on January 19, 1896. Therein: "Considering the Bulls of the Most Holy Popes Pius VIII, 'Cunctis ubique,' dated September 25, 1830, and Pius IX, 'Inter cetera,' dated October 1, 1850. — Considering that in these Bulls, the privilege granted to the aforementioned Reverend Chapter of Conspicua, of retaining the care of souls, not only habitually but also actually, is clearly established, so that the Chapter must be considered the true parish priest, and the assistant pastor is merely its delegate, exclusively for the administration of the Sacraments..." From these, two points are es-

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tablished beyond all controversy: a) that the Chapter is the true parish priest of the Collegiate Church of Conspicua, retaining not only habitual but also actual care of souls; b) that the assistant pastor is not anything more than a delegate of the Chapter, indeed removable, but limited only to certain specific parochial duties, which are expressly assigned to him in the aforementioned Apostolic Constitutions. — It is noted that such duties are sufficiently indicated in Article 2 of the Concordat, as follows: "That the administration of the Sacraments pertains only to the assistant pastor, and whatever is strictly related to the actual exercise of the care of souls is assigned to him, — with the understanding that the Chapter retains all other rights and privileges, even with respect to such exercise, which are due to the Chapter as Rector of the Church, — and all other rights and privileges remain reserved to the Chapter as Rector of the Church." Because the opposing party attempts to argue that, by virtue of...

[*Latin ed. p. 352*]

352 From the disposition of the Holy General Council, not only the administration of the Sacraments, but also whatever strictly pertains to the exercise of the care of souls, has been entrusted to the same Vicar, the Patron argues, because in Article 1 of the Concordat, the exercise of the care of souls is committed in an indeterminate and general manner to the Vicar, while in Article 2, this exercise is specified and limited only to the administration of the Sacraments, "and whatever strictly pertains to the actual exercise of this care entrusted to him," or to the aforementioned administration of the Sacraments. Otherwise, the Patron insists, there would be a contradiction, if the exercise of the care entrusted to the Vicar were to extend to other offices; nor would it provide a sufficient reason, if the exercise of the care entrusted to the Vicar were to indicate only a partial exercise. Indeed, besides the clear disposition of the law, the Patron states, this conclusion is further confirmed by the continuous practice, from the publication of the Bull until now, which has always been consistent and peaceful for him; so that this custom cannot be contradicted in any way according to the law. For the disposition of the law is contained in the aforementioned Bulls, and subsequent practice has accomplished nothing other than to explain the same meaning and to determine it in practice, according to the manner established by custom. Hence, this practice has not established a new law, but is to be considered only as a declaratory of a pre-existing law: "Custom according to law is that which presupposes a law already existing, and either brings it into use, or, if it is ambiguous, interprets it. Therefore, this has not established a new law, but either interprets the doubtful [matter] according to 1. If concerning the interpretation of the decrees of the Law, there: "For the best interpreter of laws is custom." Which is also found in c. Cum dilectus 8, h. t. Or, it confirms the pre-existing law, and aids in bringing it into effect, according to that canon 3, dict. 4:

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"Laws are strengthened when they are confirmed by the customs of those who use them" (Reiff. Lib. I, Tit. IV, De Consueta). And so, in general, all Doctors, along with Ferraris v. Consuetudo n. 10, agree. The Patron continues, two things must be considered in this case: the words of the law, which are found in the Bulls, and the subsequent custom.

[*Latin ed. p. 353*]

MELELEANA 355: The best interpreter of the law. It is relevant to the matter that it is explained in Folio Officii of the aforementioned Cause, 1862, which was debated under the first Vicar and, after ten years from the execution of the Bull of Pius IX; there: "Especially in the Collegiate Church of the Notable City, in which all the Canons, by reason of their canonry and actual care, which was restored to the Chapter in the year 1830, bear the burden of celebrating Masses for the people, they teach Christian doctrine to the faithful, pay compensation to the Vice-Parishes, and hold catechetical sermons every second Sunday of the month, in addition to others which they have instituted, to be held on each weekday at the late hour of six o'clock." Regarding II. Dubium – Whether the Mass for the people should be celebrated by the Vice-Curate or rather by the Chapter, in this case; – the speaker deduces that it should be celebrated by the Chapter from the very Bull of Pius IX, which commands: "And concerning the revenues derived from the aforementioned care of souls, it has been stipulated that from such revenues, both certain and uncertain, three hundred annual scudi of Maltese money, entirely exempt from any burden, should be permanently assigned to the Vice-Curate, as a suitable compensation; that tributes derived from offerings which they call the Paschal Benediction should be given to the same Vice-Curate at his discretion; and that the remaining fruits, after deducting the annual pension... and also after deducting the compensation for two Vice-Parishes to be appointed and removable at the will of the Chapter, and finally after deducting the alms for Masses for the people, should be ceded to the favor of the aforementioned dignitaries and Canons, and distributed among them according to the form of the aforementioned Letters of Pope Pius VIII, Our Predecessor. Finally, all collections that are customarily made for the poor must be delivered to the Vice-Curate for the time being, 'and also etc.'" From these things, the speaker infers that a certain sum, as a suitable compensation, together with certain and determined uncertain amounts, was expressly assigned to the Vice-Curate, so that, apart from these, he may receive nothing else: just as his office was limited, so too was his compensation. All other things, whether certain or uncertain, derived from the exercise of the care, were left to the favor of the Chapter. Acts, Volume XXXV, page CDXIV, 23.

[*Latin ed. p. 354*]

354 FROM THE DECREES OF THE COUNCIL. Now, the speaker con-

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tinues, if the Mass for the people was to be lawfully celebrated by the Vicar Curate, it was not necessary to burden the Chapter with the obligation of paying a special tax for that Mass, since the Mass for the people is properly attached to the same parish. Or, at the very least, if the Supreme Pontiff had ordered that the Chapter should pay the tax for the Mass for the people, and if, with the consent of the Vicar Curate, it had wished to waive that payment, it certainly would have declared this more clearly, as it has done in all other matters pertaining to the Vicar Curate. — But, on the contrary, according to the law, because in the aforementioned decree the Chapter is considered the true parish priest to whom the primary duty of exercising pastoral care belongs, and to whom, therefore, the obligation of celebrating the Mass for the people belongs, it is stipulated that from the remaining revenues, among other things, the tax for said Mass should be collected, before it can be distributed among the canons. Consequently, the practice has been that the Chapter, fulfilling this obligation, has, since the year 1852 until today, always delegated a canon or priest to celebrate the Mass for the people, without any Vicar Curate ever claiming to perform that celebration. Regarding Question III: To whom does the right belong to teach the sacred catechesis in the Cathedral in this case? And also regarding Question IV: To whom does the right belong to teach the children the preliminary catechesis before the Holy Communion, and to designate those who are suitable in this case, the advocate refers to the following practice. The Chapter would choose among the canons a Rector or Director of Christian Doctrine, to be confirmed by the Bishop, who would teach the sacred catechesis to the children without any remuneration, and would direct the same institution, assisted by other priests, among whom the Vicar Curate usually predominated. When the time came for the adolescents to approach the Holy Communion, then the Rector alone had the exclusive right to grant them written permission, with which those adolescents would offer themselves to the Vicar Curate, in order to be admitted to the reception of the Body of Christ. The General Vicar, who formerly was the Vicar Curate from the year 1866 to the year 1879, candidly testifies.

[*Latin ed. p. 355*]

In the year 1855, it is stated that "following the practice of my predecessors, [the Vicar] always assisted the respective Directors of Christian Doctrine for boys and girls." Furthermore, a document exists which recounts events from earlier times, namely the year 1857; from this, it is gathered that it had long been customary for the canons to choose the Rectors of Christian Doctrine, and specifically "using the faculty granted by the Chapter, as those who have actual care, by virtue of two Apostolic Letters of the blessed Pope Pius VIII and Pope Pius IX, mentioned above." Since the opposing party argues that the Vicar was entrusted only with the bare administration of the Sacraments, and nothing strictly connected to that

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administration, the advocate responds that it is necessary in law to dispute and define what in the aforementioned offices is strictly connected with the administration of the Sacraments; so that the Chapter should be considered excluded, since the true parish priest actually exists in his collegiate church. Having made these clarifications, the advocate asserts that the subsequent practice must be given the greatest weight, as it merits the intention of the law. The custom that prevailed is that, on the one hand, the Vicar is not excluded from teaching Christian doctrine and preparing children for the Holy Mass, as administrator of the Sacraments; on the other hand, the direction of the same is granted to the Chapter, as to the parish priest, primary and principal.

Regarding the fifth question: To whom does the emolument paid by the government for the association of the bodies of the poor belong in this case? Firstly, the advocate notes that the Vicar is legally entitled to remove and associate the bodies. However, if the Chapter intervenes, it is the canon, the *Praeminens* or *Hebdomadarius*, and not the Vicar, even though he is present, who wears the stole, removes the bodies, and associates them. But this is not about the legal right to associate the bodies, because the Chapter grants this to the Vicar, when it does not intervene itself, and the Vicar has not raised any question about this. The entire question revolves around the emoluments that are often earned on the occasion of funerals.

[*Latin ed. p. 356*]

356 From the Sacred Council, the Advocate recounts that, before the civil law of the year 1870, by which public cemeteries were instituted in Melevitana, bodies were buried in churches, and the Vicar served peacefully in his office, receiving the relative emoluments; these emoluments benefited the Chapter, according to the decree of Pope Pius IX. However, since the poor did not pay anything on the occasion of funerals, the Government, considering that the parish priest suffered a greater disadvantage through this association with the cemetery by reason of the aforementioned law, assigned to him an annual sum for said association of the bodies of the poor. Regarding this matter, the Chapter, in this case, as it had previously received funeral taxes, so too in the future benefited from the Government's allocation for the association of the poor. Indeed, in order that the Vicar might be free to perform other duties, he customarily chose other suitable priests, precisely to associate the bodies, both of the poor and the wealthy, with the cemetery, and paid them a suitable sum. The Supreme Pontiff, however, expressly assigned to the Vicar an annual sum, instead of a suitable one, and other determined, uncertain things: so that, besides all these other things, everything should be given with the favor of the Chapter. Therefore, if the Vicar contends that the association with the cemetery rightfully belongs to him, this association must be considered among the offices entrusted to him, for which a suitable compensation has already

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been established. Furthermore, if the matter is to be considered in such a way that the association with the cemetery, instituted by civil authority in these times, involves some particular disadvantage, for which some particular remuneration is granted; the Advocate recalls that it is a well-established principle in law that public cemeteries, having taken the place of churches, are to be considered as churches, hence the maxim: *mutatur locus, non vero ius* (the place changes, but not the law). Therefore, by the same right by which the parish priests associated in churches, they now associate in cemeteries. Indeed, it is certain in our case that the Vicar, until the year 1870, associated bodies in churches, and the Chapter received the relative emoluments; likewise, therefore, and by the same right, the Vicar now, until the public cem-

[*Latin ed. p. 357*]

The chapter shall receive 357 meters [of land], and the chapter shall receive the relative benefits. Moreover, it can, if it wishes, associate itself with the cemetery for the burial of the bodies of the wealthy, and the chapter is accustomed to freely forgive half of the tax paid by the family, reserving the other half for itself. The seventh question is: Does the right belong to the Vicar or rather to the chapter to appoint vicars, in three cases? And the eighth question is: In what way must the aforementioned vicars depend on the Vicar, in the case in question? The advocate, proceeding from the same principle, argues that the chapter is the true and actual parish, and that the Vicar unjustly claims these rights, which rightly belong to the actual parish; thus, both the right and the disposition of the law favor the chapter, and its observance continues to this day. Regarding the obedience due from the vicars, the advocate asserts that they must depend on the Vicar, to whose assistance they were appointed; but it is equally clear that this dependence cannot override the office of the Vicar himself, or the administration of the sacraments. Therefore, it must be naturally admitted that the vicars must be subordinate to the Vicar in this respect, to whom it exclusively pertains, for example, to send them to the sick and other similar matters; but with regard to other matters, the aforementioned vicars cannot exempt themselves from the due obedience owed to the chapter, from which they were chosen and receive their due compensation. The chapter, as lord and preeminent over all, has the natural right to grant the same vicars, given the circumstances, leave of absence, to admonish or punish or fine them, and similar things. This is a continuous practice, consistent with reason, and not at all controversial. The current Vicar General, who for many years was formerly a Vicar, testifies: ”that the vicars, although elected by the Reverend Chapter, always depended exclusively on me in the administration of the

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sacraments, assistance to the dying, and the transportation of bodies."

[*Latin ed. p. 358*]

358 FROM THE CHURCH LATIN MCP

Finally, concerning the ultimate question: Whether the explanation of the Holy Gospel should be given by the Vicar Curator, or rather by the Chapter, in this case; the Advocate replies: Certainly, the explanation of the Holy Gospel pertains to the exercise of the care of souls, and therefore it belongs to the Vicar Curator. For through the explanation of the Gospel, the faithful are prepared to receive the sacraments properly. Indeed, practice, more than the letter of the Constitutions, confirms this, says the advocate who is confident that this can be proven from the documents presented; namely: a) All the predecessors of the current Vicar Curator have always explained the Gospel. There are testimonies from two Vicar Curators still extant, which cover a long period of time, namely from the year 1866 to the year 1891; and since they state that they have done so "following the practice of their predecessors," it is clear that, from the very beginning, namely from the year 1852, this same practice has been continuously followed. b) Even the current Vicar Curator has explained the Gospel according to custom, so much so that, being hindered, he has been concerned to delegate this task to other priests. c) For a period of fifty years, the people have been accustomed to hearing the word of God during the Mass commonly called "dell'Aurora," which is celebrated by the Vicar Curator every Sunday, so that the explanation of the Gospel has always been considered as a strict obligation among the faithful. The Advocates who are defending the Vicar Curators believe that the resolution of the entire question can be found in the 1st chapter of the agreement approved by Pope Pius IX, of blessed memory, by a bull. This chapter of the same agreement reads as follows: But it is indeed necessary that the actual care be perpetually and irrevocably exercised by the Vicar Curator. These words may seem somewhat obscure, because, in the sense of canon law, actual care is nothing other than the exercise of care. Therefore, the advocates point out, it is difficult to conceive how actual care can belong to the Chapter, and the exercise of care, which is the same thing, to the Vicar. But, they say, the difficulty disappears if it is considered that, according to the same bull, the fruits of the benefice are due to the Chapter, which are derived from the care of souls, that is,

[*Latin ed. p. 359*]

From the present endowment, the following arise: from which the Chapter must bear all burdens, or those inherent in the present endowment, for example, the payment of the stipend for the Mass for the people. "And concerning the revenues arising from the exercise of the care of souls, it

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was established that from such revenues, three hundred annual *scutata* of the Maltese currency, entirely free from any burden, should be perpetually assigned to the Vicar Curate in his place, and that the Vicar should have the power to dispose of the revenues derived from the offerings which they call the Parochial Benediction. The remaining fruits, after deducting the annual pension of fifty *scutata* of the Maltese currency, which, according to Apostolic Letters of the same Pope Pius VII, predecessor of the aforementioned, are reserved for the benefit of the Rector of the Parish Church of Casale Monferrato in the Diocese of Melitene, and after deducting the salary for two Vice-Rectors appointed and removable at the will of the Chapter, and finally after deducting the alms for Masses for the people, must be ceded to the benefit of the aforementioned Dignitaries and Canons and distributed among them according to the form of the Letters of Pope Pius VIII, predecessor of the aforementioned." In this sense, according to the advocates, the present endowment pertains to the Chapter, namely, that which, so to speak, concerns its temporal and economic administration; while, provided the rule remains, with regard to all kinds of spiritual administration, that is, its free exercise, it pertains to the Vicar. From this, the advocates deduce that the entire present endowment (which is the exercise of the care of souls, except, that is, for the temporal administration mentioned above) belongs to the Vicar. The advocates do indeed admit that the Chapter relies on another clause of the agreement, in which the office of the Vicar is restricted, and limited to the administration of the sacraments. "Thus, only the administration of the Sacraments pertains to the Vicar, and whatever strictly relates to the exercise of the present care of souls should be entrusted to him, with the reservation and preservation of all other rights in favor of the Chapter."

[*Latin ed. p. 360*]

360 "Et ex decreto Concilii Generalis et ex privilegiis, etiam super huiusmodi exercitio, quae eidem Capitulo ut Ecclesiae Rectori debentur." Sed hoc caput, juxta advocatos, idem sonat ac praecedens. Re vera, quamvis hoc caput solam sacramentorum administrationem complectatur, optime notat Reiffenstuel quod « generali commissione administrandi sacramenta, censetur universam committi curam animarum » (tit. 3, lib. 4, dec. n. 83), at caput non solam sacramentorum administrationem complectitur, sed etiam quidquid actualis animarum curae exercitium stricte respicit. — Haec duo simul iuncta, juxta advocatos, totam praecise constituunt actualem animarum curam, quae est spirituale exercitium, quam Vicario competere dictum est. — Verba autem quae sequuntur « salvis et reservatis favore Capituli ceteris iuribus et privilegiis etiam super huiusmodi exercitio, quae eidem Capitulo ut Ecclesiae Rectori debentur » clare indicant fructus stolae, idest temporalis actualis curae administratio, quae Capitulo, juxta advocatos, reservatur. Ceterum quod hoc alterum

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caput conventionis idem significet ac primum suadere conantur advocati. Primum enim, quum generale sit et totam actualem curam favore Vicarii contineat, alterum, quin primo contradicat, hanc curam limitare non potest. Capitulum opponere nisum est quoddam decretum a Vicariatu Urbis editum, quo videtur ita bulla intelligi, ut non omnis actualis cura Vicario Curato concredatur. — Sed frustra, juxta advocatos: nam Vicariatus haud iuris ordine servato, auditis partibus pronunciabat: nec illi munus commissum est ut de istiusmodi controversiis, ad Urbis administrationem spiritualem non spectantibus pronunciet. — Vicariatus, occasione petitionis Card. Vicario porrectae de iure aggregandi ad piam consociationem vulgo delia s. Famiglia, cui ipse praesidet, rogatus est num idem ius Capitulo vel Vicario Curato competeret. Vicariatus idem ius Capitulo adiudicavit; sed quisque videt iudicium istud huic causae nullum praeiudicium inferre, saltem ex eo,

[*Latin ed. p. 361*]

MELEVITANA 361, which, not being presented in a legitimate contradiction of parts, nor having been granted in a judicial form. And if, despite these circumstances, the interpretation of the bull were to remain doubtful, according to the lawyers, the interpretation that they propose would be to be accepted. For in doubt, one must appeal to the common law. Therefore, since it is not doubtful according to the norms of the common law that the perpetual Vicar has the entire actual care, it is rightly inferred that the bull should be understood in such a way that the entire actual care is entrusted to the Vicar: except only for that temporal administration which consists in the collection of the fruits of the church, and which is expressly assigned to the Chapter in the bull. And even more so, according to the lawyers, because in this case there is no complete absence of any suspicion of prevarication in the Apostolic Letters on which the Chapter relies. – Given this, from this very reason also, one must either return to the common law, or at least, in interpreting the bull against the Chapter, one must judge according to the norm of the common law. The lawyers place the suspicion of prevarication in this, because the bull of Pope Pius IX arose at the request of the Chapter, and in the Chapter's request, as is evident from the bull, it was stated that the preceding bull of Pope Pius VIII, which entrusted the entire actual and habitual care to the Chapter, had not had its effect due to subsequent difficulties. Therefore, Pope Pius IX, in a document received, declares that he confirms the bull of his predecessor, which had not yet been put into effect in all those matters that do not contradict the new agreement. But from the document presented by the lawyers, it is clear that the bull of Pope Pius VIII had not only not been put into effect, but had been revoked by the Pontiff himself. – Which, according to the lawyers, should have been expressed differently, especially because the Chapter, claiming the actual and habitual care for itself, relied primarily on this foundation.

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And even more so, the lawyers argue, because if the entire actual care is not exercised by one person, very serious inconveniences follow. To prove this, the lawyers refer to...

[*Latin ed. p. 362*]

362 From the well-known Galtellinore case, which has been discussed several times before the Most Holy Office, within the Chapter and concerning the Canonic Parochial Vicar of the Cathedral Church of Galtellinore: and they invoke experience, which teaches that duties pertaining to actual care are often neglected, when they are entrusted not to a single Parish Priest or Vicar, but to the entire Chapter. Then, they report that in the present case, continuous obstacles have been raised by the Chapter to the free exercise of the care, to such an extent that the Chapter considered it necessary to issue a protest, with the declaration that it would act against the Vicar according to law, because, when a certain decree harmful to the Church had been issued by the governing body, the Vicar added his voice to the complaints of the other Parishes. Having considered these things, the lawyers conclude that the first question should be answered affirmatively, or at least affirmatively, except for the collection of the stall's revenues, if it pleases them to express this reservation in the answer. Regarding the subsequent questions, according to the lawyers, provision must be made in the first answer, since it cannot be doubted that it pertains to him who exercises the entire actual care to teach the children, to prepare them for the Holy Sacrifice, and to judge them fit, to celebrate Mass for the people, to explain the Gospel, and to preside over those coadjutors assigned to the same actual care. Only the emolument paid by the governing body could be doubted; since it could in some way be equated with the revenues of the stall. But, considering the matter, it is clear, according to the lawyers, that a different opinion must be held, for the emolument is assigned when the governing body establishes a public cemetery: with the expressed reason that those who previously had to carry the poor to be buried in the churches, now felt a greater inconvenience. Therefore, since the emolument is given for the sake of the inconvenience, it should not be equated with the revenues of the stall, but should be given to the Vicar, who truly bears the inconvenience, and who has the right to associate corpses for the strict purpose of parochial ministry. And it must be answered in this way, namely, affirmatively to the first question, and provision must be made in the first answer.

[*Latin ed. p. 363*]

ME LE VI TANA 363 expresses a declaration concerning the third point, removing ambiguities; it is confirmed, according to lawyers, by a certain resolution of the Sacred Congregation of Councils, which was issued in the case of Ripatransone concerning parochial rights, on December 15, 1725.

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The matter concerned the habitual care combined with actual care in the case of the Praepositus of the land of Aquavivae, in the aforementioned sense, concerning which a judgment was rendered: for the exercise of this care did not belong solely to the Praepositus, but also, in turn, to two vicars, who governed the rural churches. The Sacred Congregation of Councils decided on this matter, posing the question: Does the care of souls, both habitual and actual, in the parochial church of Saint Nicholas in the land of Aquavivae, pertain exclusively to the Praepositus? – The habitual and actual care belong to the Praepositus, and the exercise of this care belongs to the same Praepositus and the beneficed vicars. When it was subsequently necessary to determine in what manner this exercise should take place, it was entrusted to the celebrated Cardinal Peter to draft a decree, which was subsequently approved by the General Congregation on May 4, 1726, and again, with an added clause and further additions, on November 26, 1762. From this decree, it is expressly stated that all actual care, under the title of exercise, was included: and also the duties of teaching Christian doctrine to children, and of preparing children for the Holy Sacraments, concerning which there is a question today: "In other purely parochial functions, both the Praepositus and the turn-taking beneficed vicars may proceed fully, provided that one or the other has been requested by the parishioners, so that either one may administer the sacraments, approve and admit children to their first reception, administer the Sacrament of the Eucharist in fulfillment of the Paschal precept, and assist at marriages, without the other. The Praepositus and the beneficed vicars must publicly teach Christian doctrine at established times, and they are obliged to celebrate and apply the parochial Mass alternately, and he who celebrates must explain the Gospel; he must also make public announcements both for marriages to be celebrated and for those to be admitted to the Or-

[*Latin ed. p. 364*]

364 FROM the decrees of the Council of Trent, it is commanded to proclaim the warnings of excommunication, as well as to announce the observance of feasts and indulgences." And if, by hypothesis, which the lawyers do not admit according to the Piana constitution, not all the duties that pertain to the actual Parish Priest would belong to the Vicar, but only those that more strictly refer to that care, nevertheless, the lawyers assert that the duties in question pertain most strictly to that care. They do not speak of the explanation of the Holy Gospel, which the Chapter admits can be done by the Vicar, indeed, they lament that it is not done by him; the Vicar, for his part, does not deny that he is bound to do it, but he now omits it, because it is not included among the administration of the sacraments, which the Chapter declares to be the only thing that pertains to him. Regarding the Mass for the people, he recalls from the Council of Trent and the constitution of Benedict XIV, "Cum semper oblatas," that it pertains

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so strictly to the care of souls, that not only to Parish Priests and Vicars in perpetuity, but to all, whoever they may be, who have charge, whether perpetually, or for a time, or immovably, or at the behest of another, it must be enjoined. The Council of Trent states: "and by divine command it is ordered to all to whom the care of souls has been entrusted, to acknowledge their flock, and to offer sacrifice for them" (Session 23, chapter 1). The Benedictine constitution states: "Furthermore, this occasion for writing to you provides us, above all, with the argument and reason for the obligation that rests upon all who have charge of souls, to apply the Parish Mass for the people entrusted to their care... (§ 1) - and therefore, our intention and judgment is, as has been judged and decided on several occasions by the aforementioned congregations, that all and each, who actually exercise the care of souls, and not only Parish Priests or Regular Vicars, in one word, all and each, as mentioned above, and others who are also specifically and individually worthy of mention, are likewise bound to apply the Parish Mass for the people entrusted to their care" (§ 41). Indeed, the lawyers say, the Mass for the people is not only to be applied by all who exercise the care of souls by any title, but...

[*Latin ed. p. 365*]

It is desired that these [provisions] be established, but with such rigor, that, by their very nature, they be enforced, even if the power of delegation is present (S. O. C. Fesulana, January 26, 1771; Castri Albi, July 18, 1789). All these things are confirmed by authors, among whom Vecchiotti cites lawyers (lib. II, c. VIII, Inst. Eccl.), Monacellum (form. leg. I. 1, p. 32 a 54), and Gonzalez (I. III, decr. tit. De parodi. 29 e II). This is further confirmed by the jurisprudence of the Sacred Congregation, which has consistently held that the Mass for the people is most strictly related to the exercise of pastoral care. And especially in Patavina, the Mass for the people of April 14, 1804, is very similar to our own: for, with the actual care being with the Chapter, the limited exercise of pastoral care was assigned to the vicars. Lawyers, in addressing the question of teaching the rudiments of the faith to children, cite the Constitution of Benedict XIV, which begins "Etsi minime," to demonstrate that this right strictly pertains to pastoral care. Therein, they have the following: "Two burdens have been imposed by the Council of Trent upon pastors of souls: one, to give a discourse on divine matters to the people on festive days; the other, to instruct children and all others in the rudiments of the divine law and the faith" (§ 5). From this, it is deduced that the burden of teaching the rudiments of the faith belongs to those who exercise pastoral care, and not to the parish priests; which means that this is strictly inherent in pastoral care, so that everyone, whoever, by any title, exercises pastoral care, is bound by it. It is also deduced from the same source that this burden is of the same nature and is almost the same, with a changed object, as the burden of explaining the

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Holy Gospel. Therefore, if the Chapter freely admits that the explanation of the Holy Gospel strictly pertains to the Vicar, it cannot be judged differently regarding the imparting of catechesis to children. This is confirmed by the opinion of authors, who consistently present these two burdens as equal and speak of them in the same context. Furthermore, Maschat states: "As a pastor, he is obligated on festive days to feed the people with the divine word, and to explain the rudiments of the faith" (Maschat, inst. can. ad tit. De parodi. 9, 3, page 193, vol. II). To which Vecchiotti adds: "children and uneducated persons are to be instructed in the Christian faith."

[*Latin ed. p. 366*]

566 "From the Decrees of the Council of Trent: To teach the fundamental principles of the faith and the precepts of life, and also to deliver a homily to the people on Sundays and feast days, and to explain, through themselves or through the work of others, those things which are necessary for eternal salvation, Parishes are rightly designated to do so" (loc. cit.). Hence, the lawyers conclude, with respect to this question, their chapter on confession is to be considered settled. Therefore, the lawyers also hold the same opinion, with respect to the question, regarding the right to prepare adolescents for the Holy Sacrifice and to declare them fit. For this right flows from the same principle, and is of almost the same nature, as the right to teach the fundamental principles of the faith. Therefore, to whom one belongs, the other should also belong. Furthermore, on this matter, we have a declaration from the Sacred Congregation in the case of Ripana, mentioned above. In the decree of Cardinal Peter, which the Sacred Congregation confirmed, this right to prepare adolescents for the Holy Sacrifice is listed among the purely parochial duties. Therefore, the lawyers maintain that it strictly pertains to the care of souls. Regarding the emolument paid by the government for the association of the poor for burial, the lawyers hold a different opinion. Indeed, they observe that the association of the poor for burial is undoubtedly among those duties which strictly concern the care of souls. Therefore, considering the burden imposed on the new Vicar, and the remuneration, for the greater inconvenience, granted by the government, all things demand, and justice requires, that, from what has been stated above, the benefit should be granted to him to whom the burden and the inconvenience have been imposed. Regarding the dependence of Vice-Parishes, the lawyers observe that it is proper for those who are engaged in the care of souls that anyone who is chosen to assist them in this important ministry should be entirely subject to them. If this were not the case, great confusion would arise; for a parish cannot be properly governed by many, acting according to their own judgment. Moreover, the assistance offered to the Vicar would become useless; for if the Vice-Parishes were not entirely dependent on him in carrying out the care of souls, he himself

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would have no authority.

[*Latin ed. p. 367*]

367. They propose a measure whereby, in the event of an impediment, those who are unwilling to fulfill their duties would be obligated to do so. Regarding the appointment of Vice-Parishes, the advocates acknowledge that this matter falls under the jurisdiction of the Chapter, but they maintain that, to avoid inconveniences, it is necessary that the appointment be made with the advice and consent of the Vicar. Otherwise, it is reasonable to fear that Vice-Parishes may be chosen who, due to disagreements with the Vicar for some reason, would lead to the detriment of the proper administration of the parish. Having presented this argument, the advocates anticipate an objection that might be raised, perhaps based on custom: for the Chapter has maintained thus far that the aforementioned duties have been exercised by itself, and not by the Vicar. However, the advocates respond that, according to the Piana constitution, sufficient time has not yet elapsed for the Vicar to have acquired a prescriptive right, even though there may have been some observance of this right. Furthermore, they argue that the Vicar's method of acting could not have been so detrimental to his successors as to undermine the constitution, which is clear in its meaning. But, according to the advocates, it is far from certain that there has been any such observance, and indeed, the contrary is demonstrated. In truth, those who have previously served as Vicar, and who are still alive, testify that, in recent times, the Vicar has offered the Mass for the people. These same individuals affirm, with the testimony of many other priests, that, in recent times, the Vicar has been in charge of instructing children in the Catechism. They also claim, with very convincing evidence, that the Vicar has the right to prepare young people for the Holy Communion and to declare them worthy to receive it. Furthermore, the advocates point out that the Vice-Parishes are dependent on the Vicar, and they warn that when these individuals first failed to obey, they brought about very serious inconveniences, to the detriment of the flock. Finally, the advocates state that, regarding the association of the bodies of the poor, the Vicar, until recent times, has either fulfilled this duty himself, or through the Vice-Parishes, if he himself was prevented from doing so. With these considerations in mind, the following proposals were put forward to be discussed.

[*Latin ed. p. 368*]

368 FROM THE SACRED CONGREGATION'S QUESTIONS (Dubia) 1. — Whether, according to the Apostolic Constitutions, the actual care of souls pertains to the Vicar Parochial in this case. And to what extent? Negative.

2. — Whether the Mass for the people should be celebrated by the Vicar Parochial, or rather by the Chapter, in this case.

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3. — To whom does the right of teaching the sacred catechesis belong in a Collegiate Church, in this case?

4. — To whom does the right of teaching the children the preliminary catechesis before the Holy Synaxis belong, and of designating those who are suitable, in this case?

5. — Whether the emolument paid by the Government for the association of the bodies of the poor belongs to the Vicar Parochial, or rather to the Chapter, in this case.

6. — Whether the right of appointing Vice-Parish Priests belongs to the Vicar Parochial, or rather to the Chapter, in this case.

7. — Whether and how the aforementioned Vice-Parish Priests should be dependent on the Vicar Parochial, in this case.

8. — Whether the explanation of the Holy Gospel should be given by the Vicar Parochial, or rather by the Chapter, in this case.

RESOLUTION. The Sacred Congregation, after deliberation on the matters discussed on December 20, 1902, decided to respond as follows:

To I: Affirmative, as regards the exercise of the care of souls.

To II: To the Vicar Parochial, with the alms being provided by the Chapter.

To III and IV: To the Vicar Parochial.

To V: Deferred and to be considered further.

To VI: It pertains to the Chapter.

To VII: Affirmative, in matters pertaining to the care of souls.

To VIII: By the Vicar Parochial.

[*Latin ed. p. 369*]

569 FROM THE HOLY APOSTOLIC PENITENTIARY: Doubts concerning the hearing of confessions of Religious of various Orders. It frequently happens that a priest approved to hear confessions is asked to hear the confessions of Religious of various Orders. Therefore, with more prudent consideration, this Holy Tribunal earnestly requests a solution to the doubts which are immediately presented below:

I. A Religious, being a priest, approached Titus, intending to make his confession. When asked about the permission he had received from his Superior, he replied that his Superior was absent from the house and would not return until the next day, and that there was no other priest present in the community. Could he, in this lack of a domestic confessor, be validly and licitly absolved by Titus?

II. Among the faculties which the Holy Penitentiary communicates to confessors within its jurisdiction, in N. VIII, there is the faculty "to absolve Religious of any Order, provided that they have obtained legitimate permission to perform the sacrament of confession... even in cases and

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censures reserved in their religion." Does this faculty extend to all cases reserved? For it is customary in religions for certain cases to be reserved to the immediate Superior, others to the Provincial, and still others to the General. However, it would be very difficult for an external confessor to observe these distinctions. Therefore, it is advisable that the use of this faculty should encompass all cases pertaining to the religion itself. Furthermore, a prudent confessor should not fail to observe the good and valid laws of the Order.

III. Is it permissible for a Religious confessor to make use of the aforementioned faculty when hearing the confession of a Religious of the same Order, to whom he himself belongs, so that the jurisdiction of the reserved cases of the proper Order is not formally transferred by the acceptance of permission from the Superior, or is the use of this faculty restricted to Religious from other Orders?

IV. Can a Superior who permits a confession add a condition, e.g., "provided that the customs of the Order are observed"? Or can this impede the use of the aforementioned faculty? Or, on the contrary, once the license to confess has been granted, does the chosen confessor, by virtue of the Penitentiary's faculty, possess the power to act independently in reserved matters, even against the will of the Superior?

Acts, Vol. XXXV, page CD XIV, 21.

[*Latin ed. p. 370*]

570 FROM THE APOSTOLIC PENITENTIARY, Question I, IV. Must all religious be transferred to a secular confessor, who, without the permission of his Superior, has recourse to an external confessional? The Sacred Penitentiary, after mature deliberation and exposition, answers the proposed questions: To I. If the Superior and other confessors are absent for so long, that it is a grave hardship for the religious to be deprived of sacramental absolution for that time, it is permissible and valid to receive absolution from a suitable, that is, approved, external confessor. To II. Affirmative. To III. Provided that the regular confessor is approved for receiving the confession of a religious of his own Order, affirmative to the first part, negative to the second. To IV. Negative to the first part, affirmative to the second. To V. If the external confessor has the faculty from the Holy See to absolve religious in reserved cases, even outside of their Order, affirmative; otherwise, negative. Given in Rome, in the Sacred Penitentiary, on the 14th of May, 1902. B. L. * POMPILI, Secretary of Grace. S. I. PALICA, Substitute Secretary. FROM THE SACRED CONGREGATION FOR RITES. Does the Dignity of the Chapter have the right to have a priest assisting at the solemnities, when the Bishop is absent? To the Most Reverend Lord, John Baptist Valdameri, Archpriest of the Cathedral Church of Crema, and to the aforementioned Dignity of that Chapter, the Sacred Congregation for Rites, after a careful vote of the Liturgical Commission, and after considering all

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matters concerning the solemn festivities, which are called Pontifical, and those which pertain to the first Dignity of the Chapter, when the Bishop is absent or impeded, has decided to write: "It is necessary to observe in all cases the general Decree No. 3865, issued on July 9, 1895; and..."

[*Latin ed. p. 371*]

The Sacred Congregation of Rites, in its decree 371, addresses the dignity involved when, in the absence or impediment of the Bishop, a priest celebrates the Mass with a stole. And thus it decreed: On November 21, 1902. D. CARD. FERRATA, Prefect of the Sacred Congregation of Rites. *S. f D. PANICI, Archbishop of Laodicea, Secretary. Regarding a certain norm to be observed concerning the observance of the Brief concerning Canonicals for honor. To the Most Reverend Bishop of Poitiers, concerning the observance of Decree 3817, or the Apostolic Letters in the form of a Brief dated January 29, 1894, concerning Canonicals for honor, the Sacred Congregation of Rites, after considering the aforementioned Secretary and having heard the opinion of the Liturgical Commission, decided to respond as follows: The provisions of the aforementioned Decree or Brief are to be maintained. And thus it decreed: On November 14, 1902. D. CARD. FERRATA, Prefect of the Sacred Congregation of Rites. *S. f D. PANICI, Archbishop of Laodicea, Secretary. Regarding whether the custom of thurification, etc., is to be maintained. The current Most Reverend Apostolic Administrator of the Territory of Ticino humbly presented the following questions to the Sacred Congregation of Rites for resolution: In some parishes of this Diocese that use the Ambrosian Rite, during solemn patronal feasts and other feasts celebrated with external pomp and the participation of the people, the image of the Saint, whose feast is being celebrated, is usually first placed in the center of the church, and then, in the afternoon, it is carried in procession by the members of the confraternity established in the respective parish. In addition to this, there has been a long-standing custom, whether in the morning at the offering of the solemn Mass, or in the afternoon,

[*Latin ed. p. 372*]

372 ACCORDING TO THE SACRED RITES, while the Magnificat is sung during Vespers, the Deacon, performing his office, accompanied by some members of the confraternity, after the incensation of the clergy, approaches the sacred icon and offers incense to it. Hence, the following questions arise: I. Can the aforementioned custom be tolerated, namely, that the incense be offered, as described above, by the Deacon? II. And if the answer to I is negative, should the incensation of a statue located in the middle of the church be entirely omitted, both during Mass and during Vespers? Furthermore, the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and having heard the

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opinion of the Liturgical Commission, after careful deliberation, decided that the following should be answered: To I. Negatively. To II. Considering the custom, the aforementioned statue may be incensed during Vespers, but only by the celebrant himself, after the incensation of the Most Holy Sacrament, according to Decree No. 3547. Approved, May 4, 1882. And it was thus written. November 28, 1902. D. L. * CARDINAL FERRATA, S. R. C., Pro-Prefect. D. PANICI, Archbishop of Laodicea, Secretary. CONSTITUTION OF THE HISTORICAL-LITURGICAL COMMISSION. From the time that the Liturgical Commission was established by the Most Holy Pope Leo XIII, not many years ago, within the Sacred Congregation of Rites, it has often been the case that the questions presented to it have a historical aspect, sometimes a very important one, which seems to exceed the province of the aforementioned Commission; indeed, it is incumbent upon them, by their office, to examine purely liturgical questions and to express their own opinion on them. Therefore, the Most Reverend Cardinal Dominic Ferrata, Pro-Prefect of the aforementioned Sacred Congregation, considering the urgency and importance of such a matter, deemed it his duty to address this issue and to report it to the Most Holy Pope as soon as possible. The Blessed Father, as is well known, is very devoted to the sacred historical disciplines.

[*Latin ed. p. 373*]

From the Sacred Congregation of Rites, number 573, the esteemed proposal was received with great pleasure, approved, and sanctioned, since it was found to be entirely in accordance with the particular impulse that the Holy See, driven by the urgency of the times, has recently given to ecclesiastical studies, and it was agreed that a decree should be drawn up to establish another commission, with the historical-liturgical title. Therefore, the historical-liturgical commission will be charged with examining, clarifying, and explaining numerous historical questions that pertain to hagiography and the liturgy, especially those that may even lead to the amendment or reform of liturgical codices, such as the Martyrology, the Breviary, the Missal, the Ritual, and similar works. We append here the decree by which the Sacred Congregation established the aforementioned commission. DECREE. The Sacred Congregation of Rites, with the approval of His Most Holy Father, Pope Leo XIII, established a special historical-liturgical commission, which it desired to consist of six distinguished priests: Reverend Aloysius Duchesne, Reverend Joseph Wilpert, Reverend Francis Ehrle, Reverend Joseph Roberti, Reverend Humbert Benigni, and Reverend John Mercati. Furthermore, with the consent of the same Most Holy Father, the Sacred Congregation reserved the power to select, in the future, some associates, consulting those who seem suitable for the task. Notwithstanding any objections. November 28, 1902. D. L. "CARD. FERRATA, Pro-Prefect. D. PANICI, Archbishop of Laodicea, Secretary."

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Regarding the aforementioned associates, as has been reported to us, several will be chosen from foreign nations, scholars of outstanding ability in history, paleography, and criticism, to whom the commission will propose specific questions, as the nature of the arguments will require. The President of the commission is Father Aloysius Duchesne, Apostolic Protonotary; the Secretary is Reverend John Mercati, and the Scribes are from the Vatican Library.

[*Latin ed. p. 374*]

374 FROM the SACRED CONGREGATION OF RITES concerning customs to be observed, etc. The Masters of Ceremonies in the Cathedral Church of Queretaro in the territory of Mexico, with the consent and approval of their Most Reverend Bishop, have humbly presented the following doubts to the Sacred Rites Congregation for opportune resolution:

I. In the Cathedral Church of Queretaro, during the prescribed times, on every third Sunday of the month, the Conventual Mass is celebrated before the Most Holy Sacrament, which is publicly exposed, and a procession is upon the church, with readings in the choir, after the Mass, the Sext and the Non. Now, the question arises: Can the custom of singing the Mass aforesaid before the Most Holy Sacrament be lawfully continued?

II. According to the Ceremonial of Bishops, Book I, Chapter 9, paragraph 6, and Book II, Chapter 29, paragraph 3, the "Confiteor" is to be sung by the Deacon in Pontifical Masses, whether a general Communion or a particular one is to be given. However, some rubricists believe that the singing of the "Confiteor" should also have its place in every solemn Mass, even if it is not Pontifical, and even if it is for the Requiem, provided that the Holy Communion is distributed to the faithful. Since this is not manifestly stated in the Ceremonial itself, but rather a matter for doubt, the question arises: Does the "Confiteor" need to be sung in all solemn Masses, not Pontifical, and even in the Requiem, before the distribution of the Most Holy Eucharist?

III. By concession of the Sacred Rites Congregation, made in the approval of the diocesan calendar, the Feast of the Blessed Virgin Mary under the title of Refuge of Sinners is celebrated in the Diocese of Queretaro with a double of 2 classes; and it has always been the custom to observe the Divine Office as on other Feasts of the Blessed Virgin Mary throughout the year, except for the readings of the Nocturns, which, on the 8th of September, are changed from the word "Natali" to "Festivitate." However, in the Breviaries, among which is the Ratisbonense, the rubric applied to this particular feast says only: "all as on other Feasts of the Blessed Virgin Mary throughout the year." Hence, the question arises: Which readings of the Nocturns should be recited, remembering the 8th of September?

IV. On July 18th of the current year, concerning the doubt: "Which verse

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should be taken in the Proper Office of the feast of Saint James the Apostle, which is upon the Spanish Code on July 25th, at the Second Vespers?" For the different editions of the Breviary are not in conformity with each other. The Sacred Rites Congregation, on July 18th, responded: "In this case, the 'Proprio Hispano' should be followed." But since the different editions of this Code differ...

[*Latin ed. p. 375*]

From the Sacred Congregation of Rites, 375, certain ones place the verse "Annuntiaverunt" [They announced], while others place "Nimis honorati" [Most honored]; therefore, the question is again raised: Which of these two verses is to be said? And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, the unanimous vote of the Liturgical Commission, and all matters carefully, decided that the following should be answered:

I. Affirmative, with the permission of the Ordinary.

II. Regarding the first part: "Confiteor" should be said aloud or sung, according to custom; and regarding the second part, in solemn or chanted Masses for the Dead, according to the practice of the City [Rome], Communion is not usually distributed, but if it were to be distributed, the Deacon should say "Confiteor" aloud only.

III. As in the Feasts of the Blessed Virgin Mary throughout the year.

IV. The verse "Annuntiaverunt" should be said. And thus it was decreed.

November 28, 1902.

D. CARD. FERRATA, Prefect of the Sacred Congregation of Rites.

* S. f

D. PANICI, Archbishop of Laodicea, Secretary.

CONCERNING THE DOUBT: Whether it is established that the virtues of Faith, Hope, and Charity in God and in neighbor, as well as the Cardinal virtues of Prudence, Justice, Temperance, and Fortitude, and those things connected with them, are heroic in degree, in the case and regarding the matter under consideration.

Providentissimus Deus, who, according to the inscrutable wisdom of His counsel, "chooses the weak things of the world to confound the mighty" [1 Corinthians 1:28], often opposed the wicked designs of rash men who mixed divine and human affairs, and who, by their actions, brought damage to the Church and removed impending dangers.

This civil society and the Church have a most admirable defense, especially in Gallia [France], during the declining 18th century, when, indeed, the strenuous efforts of not one, but many holy women, "overcame the strongholds" and "made the weak strong" [1 Kings 2:4].

As an illustration of this case, it is fitting to mention the Venerable Ser-

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vant of God, Julia Billiart, who, in the Christian republic for young girls, established...

[*Latin ed. p. 376*]

376 From the statutes of the Congregation, the Reverend Mother Mary, Virgin, is most deserving of praise. She was born in the village of Cuvilly, in the Diocese of Bellovacensis, on the fourth day of July in the year 1751. It is easily deduced that, even in her childhood, she excelled in the instruction of religion among her peers, for at the age of seven, she was entrusted with teaching the rudiments of the faith to young boys and girls, and at the age of nine, she was permitted to assist at the Holy Mass, secretly, so as not to arouse the envy of others. At the age of fourteen, she made a vow of chastity, in order to dedicate herself freely to her heavenly Spouse. Meanwhile, as the hardships of her family increased daily, she undertook manual labor to help support them, and she was no less a teacher of piety among the farm laborers with whom she worked. Nor did she fail to encourage and assist others by example, counsel, and exhortations, even when she herself was afflicted with paralysis, a condition that kept her in bed for two and twenty years, a remarkable testament to her fortitude and patience. And it was precisely in her zeal for promoting religion that Julia incurred the hatred of certain men, servants of the Devil, who more than once sought to bring about the death of this pious woman, but she escaped unharmed. When this civil storm had subsided somewhat, it happened that the Fathers, now called the Fathers of the Faith, came to those regions on a sacred mission, led by Father Varin, who, two years earlier, had been the instigator of the founding of a new society dedicated to the Christian education of girls. Then, Julia, with a few companions, as she had foreseen, offered her services to these men in their religious work, being most concerned with instructing the young. In order that she might better perform this duty, she prayed to God, and, through continued supplication, she obtained the restoration of her health from the paralysis. Thus, with her strength miraculously restored, Julia, with the greatest zeal, undertook journeys, enduring the most severe heat and the coldest winters, which she never interrupted, whether to establish new houses for her society, which she had named after Our Lady, or to visit those already established, so that she might better oversee them. And the extraordinary diligence and constancy with which she worked bore abundant fruit, spreading a blessed seed far and wide, establishing houses even in the most remote places, and these flourished with religion and the arts, and the number of students increased immensely. In this manner, she exercised her apostolic ministry, and although she encountered many and arduous obstacles, she nevertheless persevered.

[*Latin ed. p. 377*]

From the Sacred Ritual, section 577, she was diverted from her piety, her

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charity, and her devout confidence, and nothing was spared to hinder her; but she never ceased to strive valiantly, until she was called to receive the crown of justice in the heavens. Having devoted all her efforts for the glory of God and for the welfare of her neighbors, and having, in a short space of time, accomplished as much as her remaining life allowed, she, weakened by voluntary sufferings, finally felt the approach of her end in the year 1816. She endured extreme pains with an equal spirit, and, exhibiting undeniable signs of sanctity, she joined the celestial choirs of the virgins on the seventh of April. Having beheld her, "whom the Angels desire to look upon." Her life, her features, and her new and radiant beauty shone forth; and some months after her death, her body was found incorrupt. But while she lived, she was renowned for her sanctity; and after her death, her fame surpassed the boundaries of France, spreading throughout Belgium, England, and even the regions of America, and it flourishes and grows stronger, strengthened by miracles which are attributed to her by the very same God. For these reasons, and although later, that is, not until the year 1881, testimonies were collected and a process was instituted concerning the life and works of the Venerable Servant of God. After the legal investigations were completed, the matter was brought before the Sacred Congregation, and a triple examination of the heroic degree of the virtues of the same Servant of God was held. The first session was held on the first of November of the year 1901, in the presence of the Most Reverend Cardinal Caietan Aloisi-Masella, the Relator of the cause; then on the eighth of July of the following year, in the halls of the Vatican; and finally, in a general Congregation before His Holiness Pope Leo XIII, on the nineteenth of the calends of December of the same year, at which time Cardinal Dominic Ferrata, Prefect of the Sacred Congregation, in place of and in the stead of the aforementioned Cardinal Caietan Aloisi-Masella, the Relator of the cause, proposed the question: "Whether it can be established that the Venerable Julia Billiart possessed the theological virtues of Faith, Hope, and Charity, in God and in her neighbor, as well as the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, in a heroic degree, in the case and with the effects of which we are upon concerned." After all those present, both Cardinals and Consultors, had carefully considered the matter, the Most Blessed Father dismissed the assembly with these words: "The venerable Servant of God, Julia Billiart, is a subject of great joy and a delightful memory to my mind. For it is now sixty years since, while fulfilling the office of Apostolic Nuncio among the Belgians, I frequently met with grave and learned men, and even..."

[*Latin ed. p. 378*]

378 From the Sacred Congregation of Rites, we have heard that the bishops have spoken with praise of the sanctity of this most illustrious Woman, who had established the principal seat of her Institute there, namely in

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Namur. But today, in this assembly, the excellence of her virtues has been clearly seen by us through your unanimous and considered opinions. We now invoke that the knowledge of this cause may soon progress to its desired outcome, adding a new ornament and honor to the holy Church, and that the Belgians and the French may happily experience her intercession. However, as is customary, we reserve our definitive judgment concerning the virtues of Julia Billiart for this time. Today, four venerable Fathers, wise in the ways of God, who have diligently worked in their private chapels, surpassing even the noble halls of the Vatican, and who were joined by His Eminence, Cardinal Dominic Ferrata, Prefect of the Sacred Congregation for the Cause, and by Cardinal Aloisi Masella, who has taken the place of the deceased Prefect, together with the Reverend Father Alexander Verde, Promoter of the Faith, and myself, as Secretary, solemnly declared: "It is established that the virtues of the Venerable Julia Billiart were heroic in degree, in the case and with the effect that is being considered, so that it may proceed to further stages, namely, to the examination of four miracles." This decree was promulgated and ordered to be recorded in the acts of the Sacred Congregation, on the eighth day of the month of January, in the year 1903. DOMINICUS CARD. FERRATA, Prefect of the Sacred Congregation. DIOMEDES PANICHI, Archbishop of Laodicea, Secretary of the Sacred Congregation. Regarding the Beatification and Canonization of the Venerable Servant of God, John Eudes, Founder of the Congregation of the Holy Apostles, of Jesus and Mary, and of the Order of Our Lady of Charity. CONCERNING THE DOUBT: It is to be established that the theological virtues of Faith, Hope, and Charity, in God and in neighbor, as well as the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and those virtues which are connected to them, were practiced in a heroic degree, in the case and with the effect that is being considered. It is indeed fitting and, according to the present circumstances of the Church, especially concerning religious matters...

[*Latin ed. p. 379*]

From the *Sacramentarium Romanum*, number 579, a petition is made for prayers, with the intention of honoring the virtues and glory of those who have been founders of such societies, "whose good works remain," not only within the Church, but also within the civil republic. Among these, whose names we rejoice to know are written in the heavens, a most distinguished place is held by a man truly devoted to God, who, in all matters, was an example to his homeland of piety, justice, and virtue: the Venerable Servant of God, John Eudes. He was born in the village of Ry, in the diocese of Sagiensis, on the eighteenth day of December, in the year 1601. As a young man, entrusted to the care of priests by his very pious parents, he showed signs of mature sanctity. When he was admitted as a novice to the Congregation of the Oratory, he so humbly offered his other knee that

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he might better serve. At the age of fourteen, he took the vow of chastity; soon after, he entered the College of Saint Isidore in Gadomense, to devote himself to studies of literature and philosophy; whose doctrines he vigorously defended publicly. Returning home, he refused the desirable marriages that were proposed to him by his parents, desiring, even against the will of his father, to dedicate himself entirely to God. Thus, he was sent back to the city of Gadomense to study theology; there, he began his life in the Congregation of the Oratory of Berulle, with the intention of undertaking sacred missions and founding seminaries, where the discipline of the clergy had collapsed. In that place, he made remarkable progress, both in learning and in offering counsel for the good of others. So great was the approval of his doctrine and piety, that, even before receiving the sacred orders, he was entrusted with the task of preaching. After being ordained a priest, despite long-lasting afflictions of the body, he fell ill; after recovering, he spent two years studying the sacred scriptures, soon to be exposed to a more serious danger. For, in the year 1627, when the plague began to spread in the diocese of Sagiensis, he offered his services, and, without being asked or consulted by his parents, he went to the most infected places, attending to the bodies and souls of the sick. He did the same for the citizens of Argenton, and for the people of Gadomense in the year 1631; in that terrible plague, taking care not to spread the contagion to others, he rested at night in a barn; that field was then called the "holy field." Because of the great labors and illnesses he endured, after he first recovered, he devoted himself entirely to sacred missions.

[*Latin ed. p. 380*]

580 Through the ministry of the Sacred Order, having visited various regions, he was not deterred from the distinguished office of Prefect of the House of Caen. After fervent prayers, supplications, fasts, pilgrimages, and consultations with the most prudent men, and with the help of the Congregations, and by the will of God, he separated himself [from the world]. Then, he established a true assembly of priests, under the title of the Congregation of Jesus and Mary, with the purposes of missions and seminaries. This very serious undertaking aroused the envy of a wicked man, but he bore it with the utmost patience, and he called upon his friends and benefactors, even those who had been hostile to him. He also established a seminary, and he associated it with the Order of the Daughters of the Most Blessed Virgin Mary, so that they might receive a better education and be drawn away from a corrupt life. He was the founder of the pious Society of the Most Sacred Heart of Our Lady, and he promoted the liturgical cult of the Most Sacred Hearts of Jesus and Mary. Among these things, he wrote and published much that was excellent, and he undertook numerous missions, often being compelled, because of the large number of people, to preach outdoors, outside the city. Having consumed so much effort, when

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he felt that the end of his life was approaching, he endured the sufferings of his illness with patience, and, surrounded by his companions, he received the Most Holy Body of Christ with great devotion, and, being wonderfully refreshed, he departed this life on the fourteenth day of September, in the year 1680. The fame of his sanctity, which the Venerable Servant of God had demonstrated through so many admirable virtues, increased after his death, through the common understanding of his suffering, through the gathering of the people at his funeral, through the honors paid to him as a holy man, and through the desire for his relics. And this fame did not remain confined to Fismes, but it spread even to the most learned and most holy men. And when miracles began to occur, which were attributed to his intercession with God, the bishops and clergy of all of France, together with the Congregation of Jesus and Mary, began the cause of canonization of the Venerable Servant of God, about two centuries after his death. Then, after all the requirements of the Sacred Congregation had been fulfilled according to the law, a discussion was held concerning the heroic virtues of the Venerable Servant of God; the first, in a preparatory meeting with the Most Reverend Cardinal Miecislaus Ledochowski, the Relator, on the eighteenth day of December, in the year 1890; the second and third, in two preparatory meetings, convened in the Vatican buildings on the fifteenth day of January of the following year, and on the seventh day of September of the same year; and finally, the fourth.

[*Latin ed. p. 381*]

From the Sacred Ritual, number 581, in the general congregation held at the same place, before His Holiness, Pope Leo XIII, convened on the seventeenth of the month of January of the same year; in which the Most Reverend Cardinal Dominic Ferrata, Pro-Prefect of the Sacred Congregation, and Relator of the Cause, proposed the following question for discussion: "Whether it is established that the virtues of Faith, Hope, and Charity, in God and in neighbor, as well as the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and those attached to them, were possessed by the Venerable Servant of God, John Eudes, in a heroic degree, in the case and to the effect under consideration." The Reverend Cardinals and Consultors, in order, presented their opinions. But the Most Blessed Father immediately declared that he would postpone opening the discussion, signifying, however, that: "When it is a question of John Eudes, it is a question of a most illustrious man who not only shone as an example of sanctity in his life, but also with a diligent concern for the salvation of souls, and especially through the sodality founded by him, has benefited many people and for all time. Therefore, we greatly desire to pronounce a judgment on the excellence of the virtues of this Venerable Servant of God, as well as of the Venerable Julia Billiart, about whom we spoke in the last meeting, as soon as it is permissible for Us. All the more so, since both are from Gaul:

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for we say Gaul, which at this time is experiencing a very turbulent storm, will feel a good hope of a new patronage offered to it by God." Finally, on this day, when the Infant Jesus was adored by the wise men, in the sacred and most religious ceremony in the private chapel, He summoned the Reverend Cardinal Dominic Ferrata, Pro-Prefect of the Sacred Congregation, Relator of the Cause, together with the Reverend Father Alexander Verde, Promoter of the Holy Faith, and Myself, the undersigned Secretary, and, in their presence, solemnly declared: "That it is established that the virtues of Faith, Hope, and Charity, in God and in neighbor, as well as the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and those attached to them, were possessed by the Venerable Servant of God, John Eudes, in a heroic degree, in the case and to the effect under consideration, so that further proceedings may be possible, that is, the examination of the four miracles." This Decree was ordered to be published and recorded in the Acts of the Sacred Congregation on the eighth day of January, in the year 1903.

D. L. CARD. FERRATA, S. R. C. Pro-Prefect.

D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 382*]

382 EX. S. C. RITUUM PARISIEN, or BELLOVACEN. Concerning the Beatification or Declaration of Martyrdom of the Handmaids of God, Saint Augustine, and her companions, nuns of the Monastery of Compendium, of the Order of Discalced Carmelites. At the close of the eighteenth century, and while great disturbances raged throughout Gaul, it was discovered that many thousands of people, of all ages, sexes, and conditions, had been subjected to chains, beatings, every kind of torment, and even death. But these victims of that very disturbance, being innocent, are not therefore to be called martyrs of Christ. However, concerning certain religious women from the Discalced Carmelites, of the Monastery of Compendium, a question was raised regarding the cause of beatification or declaration of martyrdom. The common opinion, growing stronger each day, was that these Handmaids of God had offered themselves as a sacrifice to God for their religion (and for the tranquility and peace of their country and of society), and that they had passed through torments, prisons, and death with an unyielding spirit. Therefore, the pious virgins of the Order of Carmel residing in Paris, obeying the vows of their institute, petitioned the Most Eminent and Reverend Lord Cardinal Francis Richard, Archbishop of Paris, and obtained that, in that ecclesiastical court, an Ordinary Inquiry be held concerning the fame of martyrdom, the cause of martyrdom, and the miraculous signs of the Handmaids of God, whose names are listed below with their testimonies: Magdalena Claudia Lidoin, also known as Mother Theresa of Saint Augustine, who was born in Paris in 1752, and received into the protection of Aloysia of Gaul, entered the Discalced Carmelite Or-

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der in the city of Compendium at the age of twenty-one. Acting with virtue and love of sacrifice, she surpassed the others in her devotion, and with her words and example, she inspired her sisters to Christian fortitude and patience. Moreover, she publicly sought the palm of martyrdom, for herself and her companions, as the most blessed of rewards. — Maria Francisca Bideau, also known as Sister Aloysia, born in the same year, 1752, and who, having become a religious at the age of eighteen, was an example of silence and solitude. — Maria Piedcourt, also known as Sister Jesus Crucified, of Paris, who excelled in piety and charity towards her neighbors. — Maria Thouret, also known as Sister of the Resurrection, a diligent caretaker of the sick nuns. — Maria Claudia Brard, also known as Sister Euphrasia of the Immaculate Conception.

[*Latin ed. p. 383*]

From the Sacred Rituals, 583, Queen Maria Leczinska was greatly esteemed for her outstanding qualities of mind. Maria Francisca de Croissy, or Sister Gabriella Henrica of Jesus, who possessed a poetic and gifted nature, delighted others with her verses and virtues. — Maria Anna Hanisset, or Sister Theresia of the Sacred Heart, distinguished for her prudence. — Maria Gabriella Trezel, or Sister of Saint Ignatius, called a hidden treasure because of her constant union with God. — Rosa Chrétien, a widow from La Neuville, or Sister Julia Aloisia of Jesus, who perfectly combined an ardent love with Christian humility. — Anna Pelras, or Sister Maria Henrica of Providence, who, with a courageous spirit, sought out the cause of hatred and persecution from the accuser, and made it known to her sisters. — Maria Ioannae Meunier, or Sister Constantia, so strong and steadfast that she declared that no one would separate her from her sisters, having written a testament to this effect. — Angelica Rousselle, or Sister Maria of the Holy Spirit, who, throughout her life, patiently endured grievous and prolonged illnesses. — Maria Dufour, or Sister of Saint Martha, daily progressing in the practice of virtues. — Stephana Ioanna Vézotale, or Sister of Saint Francis Xavier, beloved by all for her festive and sincere disposition. — Catharina Soiron, prudent and pious, the custodian of the monastery gate. — And Theresia Soiron, her younger sister, who preferred to serve the Carmelite nuns in a humble house, rather than to be sought after by the most noble women in a magnificent dwelling.

These handmaids of God, first ejected from the monastery, followed their rule even outside its walls. Subsequently, they were apprehended and entrusted to the custody of the Compendium and then of the prisons of Paris. There, they spread the salutary devotion to the Sacred Heart of Jesus, and proclaimed it through hymns composed by themselves. Condemned to death and aware of the cause of their martyrdom, they renewed their baptismal promises and the vows of their religion, invoking the Holy Divine Spirit with hymns in the church. Finally, with a blessing

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accepted from the Mother Superior, and with joyful and cheerful faces, praising God as if advancing towards victory and triumph, they were all killed in Paris on July 17, 1794, and, as they loved each other in life, so they were not separated in death.

Therefore, after the aforementioned Ordinary Process was completed, and after it was sent to Rome and presented to the Congregation of Sacred Rituals, and after decrees of revision were issued, along with writings and dispensations after the lapse of a decade, and after the intervention and vote of the consultors, everything was prepared as it should be for the cause of beatification or declaration [of sainthood].

[*Latin ed. p. 384*]

384. With a view to introducing the cause of the Martyrs and Virgins, Servants of God, the following was undertaken. Therefore, at the request of the Most Reverend Father Xaverius Herzog, General Curator of the Society of Saint Sulpitius, and Postulator of the cause itself, and after considering the most diligent petitions of certain Eminences of the Sacred College of Cardinals, of numerous Most Reverend Prelates, and of other superiors, especially from the Order of Carmelites, and also at the request of the Apostolic See by most noble and virtuous men and women, the Most Eminent and Reverend Cardinal Vincent Vannutelli, Bishop of Praenestinus and Relator of the same cause, in a meeting of the Congregation of Sacred Rites, convened on the designated day at the Vatican, proposed the following question for discussion: "Whether a Commission for the Introduction of the Cause should be signed, and if so, for what purpose?" Furthermore, the Most Reverend Fathers, Prefects of the Sacred Rites, after mature deliberation, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Office, judged it advisable to respond: "Affirmatively, that is, the Commission should be signed, if it pleases the Most Holy." On December 2, 1902. Subsequently, a report on these matters was made to the Most Holy Pope Leo XIII by the undersigned Cardinal, Pro-Prefect of the Congregation of Sacred Rites. His Holiness, having approved the decree of the aforementioned Congregation, deigned to sign the Commission for the Introduction of the Cause of the Venerable Servants of God, Theresia of Saint Augustine and her companions, nuns of the monastery of Compendium, of the Order of Discalced Carmelites, on the sixteenth day of the same month and year.

DOMINICUS L. # CARD. FERRATA PANICI, Archbishop of the Roman Curia, Pro-Prefect.

S. f D. Laodicen., Secretary of the Sacred Rites Congregation.

[*Latin ed. p. 385*]

385 APOSTOLIC LETTERS. By the Divine Providence of Our Most Holy Lord Leo XIII, Pope, concerning the Order of Cistercians of the Reform, or

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of stricter observance. LEO P. XIII. FOR PERPETUAL REMEMBRANCE. It has been our pleasure to perceive that the unity and communion of life, happily begun in the year 1892 among the Cistercian Trappist Institutes, have become more firmly established with the passage of time, and have brought forth ever more abundant fruits, to the point that the ancient Order of the Cistercians itself seems to be aroused to more eagerly renew its former examples of virtue. This Order, indeed, founded by Robert, the most holy Abbot of the Benedictine monastery of Molesme, in the year 958, has been able to spread so much, especially through the care and study of Doctor Bernard. It is worth remembering, lest we recall it less frequently, that the illustrious Congregation of Saviniac, which governed the Trappist Abbey in the year 1140, joined the Order of the Cistercians, and was fully and completely approved by Letters issued by Our Predecessor, Eugene III, on the nineteenth of September in the year 1147. However, it is evident to all that the Sodalities of this Order have flourished in a manner unparalleled by their piety and the sanctity of their morals, and that they have contributed greatly to the cause of the Catholic Church and to civil society at that time. But, as the years passed, and through the injuries of time and the remission of wills, they began to deviate little by little from the original observance of the rule, and to indulge in a more lax form of life. This fact compelled almost everyone to agree that what had previously been prescribed and customary should be restored to its rightful place, and that the practices that had prevailed in the early days of the Order should be religiously observed. Hence, many attempts at reform and experiments were undertaken, from which several Congregations of the Cistercian Order have originated, which, adapted to the circumstances of each, and newly flourishing, have gradually departed from the mother-house and from the obedience owed to the Abbot General, and have, in effect, established their own jurisdiction. While others pleased themselves, and the others were distinguished by internal differences, one...

[*Latin ed. p. 386*]

386 APOSTOLIC LETTERS concerning the restoration and improvement of religious discipline, which, due to stricter observance, are designated as the "Strict Observance," were introduced in the 16th century, through the thought and industry of Dionysius Largentier, Abbot of Clairvaux, and, with God's help, were brought into Gaul, always maintaining unity with the General Chapter of the Cistercian Order and remaining subject to it. These were duly approved by Alexander VII, Our Predecessor, with Letters granted on April 19th of the year 1666, and increased so rapidly in number and influence that they became a very numerous and, without doubt, a prominent order among the monasteries, to which the most provident counsel of Divine Providence had led. It happened that, stirred by the force of the Gallican sedition, its members were driven from their homeland

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into exile, and thus spread the fame of their discipline beyond the limits of Europe. Furthermore, as monasteries increased in number, and Congregations were subsequently formed, they proved to be a most opportune and fruitful means of support and adornment for both the Church and society, especially in times of great need. These monasteries, first in Gaul, were united into one Congregation, with its own Vicar General, under the presidency of the General Moderator of the Cistercian Order, by Gregory XVI, Our Predecessor. However, Pius IX, also Our Predecessor, considered it best to divide them into two Congregations, each with its own Vicar. We, however, desiring to uphold the regular discipline, and with all the care and solicitude befitting Our office, to promote the growth and prosperity of the various Congregations of the Trappist Order of the Cistercian Congregation, readily ordered, beginning in the year 1892, that a General Chapter of these Congregations be held in this venerable city, in order that, among other things, matters concerning their union and governance, especially and above all, might be addressed. When Our intentions were fulfilled, and the Chapter, which had convened in Rome, had heard the counsel and examples presented, it seemed fitting to all, and it was decreed that three Cistercian monasteries of the Strict Observance of Westmalle, Sevenfontaines, and Mellerain, should form a single Order of Cistercian Reform, dedicated to the Blessed Virgin Mary of Trappe, under the rule of a single Superior. We, with Letters in the form of a Brief, dated March 7th, 1893, not only ratified and confirmed this desired union, but also established this very Order.

[*Latin ed. p. 387*]

LETTERS APOSTOLIC 387, we have declared that it is to be a monastery, under the authority of the Holy See, with the rights of the local Ordinaries preserved, according to the Apostolic Constitutions and the statutes of the Institute, and we have decreed that the matters previously proposed should henceforth be included in the Constitutions to be presented to the Sacred Congregation of Bishops and Regulars within a year. Now, since the Constitutions which we have mentioned have been examined by the same Sacred Congregation, and since the completion of this work confirms the importance of the matter, the most beloved son, Sebastian Wyart, Abbot General of said Order, has presented to Us petitions and supplications, so that, in order to strengthen the stability of the same Order and to promote the spiritual welfare of its members, We might, with the strength of Apostolic confirmation, not only add to the Constitutions themselves, but also decree concerning the privileges pertaining to the same Order, and, with paternal benevolence, provide for other matters that are fitting. Therefore, desiring to further promote the tranquility and prosperity of the Cistercian Reform, and that they, for the glory of God and the edification of the faithful, may increasingly flourish with special favors and graces, and also,

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that the individual Abbots General, other Abbots, and monks of the aforementioned Order, in whatever way they may have been excommunicated or interdicted, or subjected to other ecclesiastical censures, sentences, and penalties, if they have incurred them for some reason, may be absolved and declared absolved for this purpose, We, inclined to favorably receive such petitions, hereby, with Apostolic authority, by the force of these present Letters, approve and confirm all and each of the things contained therein, and We grant to them the perpetual and inviolable strength of Apostolic firmness. Furthermore, approving and confirming the established Union between the Observances of the Cistercians of Westmalle, Sevenfonten, and Mellerain, and the erection of these into one Order under the rule of one Superior, We decree and ordain that, after this, the name of the same Order shall be the Order of Cistercian Reform or of the Strict Observance, and that the monastery of Cistercii, the ancient and renowned one, from which the Cistercian Family originated, shall be, in perpetuity, the titular seat and the residence of the Abbot General of the same Order, for honor and authority. Moreover, to the Abbot General and other Abbots and members of the Reformed or Strict Observance, notwithstanding that...

[*Latin ed. p. 388*]

388 We have seen APOSTOLIC LETTERS, by which a union and a single, autonomous Order are established, just as the General Abbot, and other Abbots and members of the Common Observance, remain truly members of the Cistercian Family, retaining all privileges, graces, indulgences, faculties, prerogatives, and grants, which have been granted to the aforementioned Cistercian Family in any way, provided that they are in use and have not been revoked, nor are they included in any revocations, and that they do not contradict the Decrees and Constitutions of the Holy Council of Trent and the Apostolic Institutions, and by which the General Abbot and other Abbots and members of the Common Observance make use, and may use and enjoy, without any difference whatsoever, with full authority and force, as we establish and declare; and to those who are silent, we grant and extend all of these things, including the privilege of the Abbots to confer the tonsure and the four minor orders only, upon their subjects, preserving and observing their own rules. We decree that these present Letters are valid, firm, and efficacious, and shall have and obtain their full and complete effect, and that the aforementioned Order and Monks shall be fully [supported; sicque ab omnibus censeri et iudicari debere, ac irritum et inane, si secus super his aquoquam, quavis auctoritate, scienter vel ignoranter contigerit attentari. Non obstantibus Constitutionibus et Ordinationibus Apostolicis, ceterisque contrariis quibuscumque. Given at Rome, at St. Peter, under the Fisherman's Ring, on the 31st of July, 1902, in the 25th year

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of Our Pontificate. L. * S. A. CARD. MACCHI.

[*Latin ed. p. 389*]

589 FROM THE HOLY CONGREGATION OF THE COUNCIL OF TURIN. DISPENSATION REGARDING THE RIGHT OF PRESENTATION. January 31, 1903. Through summary petitions. In the Collegiate Church of the place of Savigliano, Archdiocese of Turin, the prebend of the Deanery became vacant due to the death of the titular, Paul Besse. This benefice is subject to the right of patronage according to the foundation established by a certain Philip Torretta in his will in the year 1823; the right of patronage is exercised in favor of the Collegiate Chapter of the place of Savigliano; passively, first, in favor of his relatives and connections, but in a certain order. Namely, the first called are: 1. relatives of the family of the founder; 2. connections in the male line (and today, in the absence of relatives, the title of connection grants the right passively to the family of Besse); 3. connections in the female line; 4. priests born in the city of Savigliano. Indeed, the last titular, Paul Besse, was a man of merit to the Church, since he was able to defend the canonical prebend against the demands of the treasury, as is narrated today by Charles Albert and Angelus Besse, who earnestly implore the Most Holy Prince to deign to grant that this benefice be conferred upon a certain Paul Besse, aged 22, who has not yet received Holy Orders, and therefore does not possess the quality required by the founder; namely, that the benefice be conferred upon a priest who celebrates; and who is also suitable to receive, at least within a year, the sacred confessions. The petitions of the petitioners, dated June 16, 1902, state as follows: "In the family of the late Giuseppe Besse, there is a clerical descendant, Paul Besse, son of Domenico, who is currently at the Archdiocesan Seminary of Genoa and has not yet received the character of a priest who celebrates, and therefore..."

COMPENDIUM OF THE MATTER. 1.

[*Latin ed. p. 390*]

590 FROM the decrees of the Council concerning testamentary dispositions, he could not aspire to the aforementioned Benefice. L7, the aspirant, a student in the third year of Theology, will receive the Tonsure in the first days of next July. Given these factual circumstances, we humbly request that Your Holiness be pleased to grant the aspirant Cleric Bessè Paolo the appropriate dispensations to obtain from the illustrious Chapter of St. Andrew in Seville the appointment to said Benefice, with authorization to appoint a substitute, so that the Chapter itself does not suffer from the absence of the titular, submitting entirely to the dispositions that Your Holiness might issue. This is essentially the case, if not for a strict interpretation, for the following considerations, both concerning the provisions of the found-

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ing charter and concerning the special conditions in which the aspirant finds himself. In the first part of the will, the late Filippo Torretta declared that he had not been granted offspring by chance, so that a large part of the assets, which God had wished to bestow upon him, would return to the Church; and he established the Canonicate, declaring that the majority of his assets would thus be bequeathed to the source of all things. And he obligated his wife, Virginia Bessè (in the last parts of the will), to observe his religious wishes (which was done scrupulously), so that, forgetting her rights as a wife, she would agree to enjoy solely the usufruct of the assets, without disturbing the rights attributed to the Benefice; simultaneously with the clause in which he prayed the Chapter to be patient, as much as the wife should be patient in obliterating her rights. The Canonicate did not suffer any adversity and until 1867 it was enjoyed by the late Canon Bessè Paolo, who received the income from the properties described in the will. Then came the laws that subverted the Sacred Property of the Church, and the Government immediately took action.

[*Latin ed. p. 391*]

TAURINEN. 391. As are a thousand others, the assets of the Canonicate of Torretta were lamentably sold off through public auctions. At that time, the holder of the Canonry was Paolo Bessè, who, upon hearing of this, took it upon himself to initiate legal proceedings against the government, asserting before the judge that the aforementioned canonry, having a coadjutorial character with the Parish of Saint Andrew, was not included in the laws that sought to abolish such institutions. And after years of litigation and insistence in the defense of the sacred rights of the Church, and with an expenditure of approximately five thousand lire on his part, he succeeded, through judgments, appeals, and cassation proceedings, in having confirmed what was a sacred right, and in obtaining a judgment against the government (which could not restore the assets, as they had already been sold at auction) to pay the invested Canon and his future successors an annual rent of 1970 lire, as evidenced by the certificate with number 60168 issued to the Canonry of Torretta. Now, it should be noted that the Torretta will speaks of the value of the assets established as a canonry, declaring it to be 15,000 lire, which would correspond to a gross annual income of 1,750 lire. The current rent, more than doubled, is solely due to the tenacity, activity, and skill of the late Canon Paolo Bessè in defending, along with his own rights, the imprescriptible rights of the Church, and thus, to perpetually increase the honor and splendor of the Collegiate Church of Saint Andrew, preserving and increasing a respectable benefice that had been established by his ancestors. And it is clear and manifest that the aforementioned will, while on the one hand depriving the family of almost all of its hereditary substance, aimed to establish within the family itself a benefice almost exclusively to its advantage; and it is well known

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from reading it that (so many categories of relatives are mentioned) that it was the testator's desire that if there were a cleric in the family, he should inherit it.

[*Latin ed. p. 392*]

392 EX S. G. CONCILIO: "Quod ei onera imposita sunt, est consequens naturale ex natura Fundationis, ad quam, ut videtur, provisione temporanea possit fieri. Sed alia ratio, praeter beneficia ecclesiastica, quae sunt debitum cuiuslibet qui habitum clericalem gerit, ad Sanctitatem Vestram et ad cor Patris qui destinos omnium filiorum suorum in universo rege, et ad assertionem illam sustineat. Et conditio cleri Pauli Bessè, nepotis defensores Canonici, et nepotis etiam pauperi Matthaei Bessè, successoris Beneficii, de cui successione agitur, ita ut petitores certi sunt quod aspirans omnem et integriam nobilem traditionem avorum suorum servabit. Ille est filius familiae honoratae et numerosae; non opulenta; non quaerens honores immeritos; sed persuasus quod voluntatem supremum defunctorum saepe cordis quaerere oportet, non frigido calculo aut pretensionibus iuridicis quae tante molestias avito suo, Can. Paulo, causarunt, cum anno 1867 inopinanter Beneficio abripiebatur! Vicarius Generalis preces hisce animadversionibus commendabat: "Quod aspirans Paulus Bessè, aetatis annorum 22, est studiosus anni secundi theologiae et habitat in Busalla, Archidioecesi Genuae, frequentans ut externus studia in Seminario et habitu clericali non ornatus, secundum usum loci. Archiepiscopus eius eum bonum dicit, sed ingenii parvi et valetudinis fragilis, nec est certum si ei tonsura conferetur ad tempus accensum in petitione." Quod Canonica Bessè, nuper defunctus (qualiae fuerunt summae ab eo expensae ad vindicandam Beneficium ab manibus guberni, quod illud illegaliter oppresserat), laudabiliter egit pro bono Ecclesiae, ut bonus beneficiarius, et diu adhuc fructum curarum suarum frui potuit.

[*Latin ed. p. 393*]

TAURINEN. 593 "The Chapter of the Collegiate Church, which We urged to postpone the presentation of the candidate for a further month (as the testator would have wished), readily agreed, desiring that all follow the directions of the Holy See in order to proceed prudently in a matter to which much importance has been attached." "However, I considered it opportune to ascertain the opinion of the Most Reverend Archbishop; therefore, I sent him a letter in which He replied on July 19, 1902: "...in truth, I have nothing further to add. I would observe, since I have the opportunity, that if the request were granted, the Collegiate Church of Savigliano would be spared any danger of annoyance from the part of the Reverend Orators, but I do not intend by this to weigh the balance more heavily on one side than the other, and I fully submit to the wisdom of the Most Reverend Fathers." "The matter is indeed a good and true

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one, and it depends on the benevolent dispensation of the Most Reverend Fathers, which they will grant to young Paul Bessè, if they deviate from the will of the testator, which prescribes that he, already initiated into the priesthood, be instituted in the benefit of the *clericum* within a year of his canonical appointment, so that he may hear confessions. If this deviation is made, the Chapter will find that the family to which the right of patronage belongs is a person who enjoys this passive right. Furthermore, these requirements, as external prescriptions of the testator, do not include nor do they suffice to fulfill other intrinsic requirements, namely those moral qualities which are intrinsically necessary according to the law itself and natural law, namely those qualities of mind, whether natural or acquired, or granted by divine grace, which the priest must possess, so that, according to his office, he may perform a useful and commendable ministry." "Indeed, although the Sacred Congregation of Clerics may grant a dispensation with regard to external requirements, nevertheless, the orator does not obtain the act of presentation unless the Chapter, through a chapter deliberation, presents him to the Ordinary for institution. However, the Chapter has the right and the duty of considering even the intrinsic requirements necessary for any canonical appointment." "Regarding these requirements, the Vicar General knows..."

[*Latin ed. p. 394*]

394. From the Sacred Congregation of Councils, it is reported twice: "The Archbishop says that he is a good man, but of little intelligence and of little learning, and it is not certain that he received the tonsure for the period mentioned in the petition." However, if, perchance, the tonsure had not yet been conferred upon the young Paul Bessè, the matter could not be as it is, for, as the most learned of jurists know, presentations and institutions do not pertain to anyone except a cleric; for ecclesiastical benefices cannot be obtained except by a cleric. Furthermore, when the same Vicar General speaks of the matter, which is of great importance, and the Most Reverend Archbishop indicates: "if the request were granted, it would save the Collegiate Church of Savigliano from every danger of annoyance from the Lords Orators," it is clear that the desire for a lucrative benefice has not been without effect in moving the hearts and arousing the zeal of both parties; for the capitulars clearly understand that the benefice, according to the presumed will of the founder, should be granted to him who is able to render not insignificant fruits of the sacred ministry. With these considerations, the question was raised as to what should be answered to the petition. RESOLUTION. The Sacred Congregation of Councils, after deliberation on January 31st, decided: At the discretion and prudence of the Most Reverend Archbishop, and according to the opinion of PRATO and S. MINIATO, a dispensation from the incompatibility of the benefice. January 31, 1903. By summary petitions. SUMMARY OF THE CASE. Since

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the parish church of the place called Cerreto-Guidi, in the diocese of S. Miniato, was vacant due to the death of its rector, and was subject to the active patronage of the Cathedral Chapter of Pratensis, Arturus Ciardi, a Canon, petitioned and obtained...

[*Latin ed. p. 395*]

PRATO. AND S. MINIATI 395. The cathedral church of Prato, in order that it might be established as a benefice for the clergy, with the legitimate permission of its Ordinary. – Therefore, the canon, Ciardi, today requests that the Most Blessed Father grant him the faculty to retain, together with the benefice for the clergy, the canonry which he has already possessed for some time; indeed, he states that he has requested this benefice because the canonical benefice which is to be conferred today scarcely amounts to one hundred and twenty florins (L. 120), which entails the obligation of twenty-seven (27) Masses. – Furthermore, he recalls that this very meager endowment of the canonry is in grave danger if, due to his renunciation, it should revert to the hands of lay patrons, one of whom, having been reduced almost to poverty and burdened with debts, could easily have the assets of the benefice fall into the hands of creditors. Finally, he mentions that there is a certain dispute between the Chapter and the Plebeian Church, which was discussed before the Sacred Congregation in September of the year 1901, and which, even now, is still pending through an appeal; therefore, it is fitting that a canon be established in this benefice. – The orator concludes his plea with these words: "For these reasons, the orator requests that the canonry be retained and that he be dispensed from the choir, of which the Chapter itself is content, with nineteen (19) canons and eleven (11) chaplains participating in the choir. Furthermore, so that none of the canons may be burdened with the obligation of singing during the week due to his absence, the orator declares that he is prepared to pay one of the canons at his own expense to fulfill such an obligation." On July 10, 1902, the Chapter of Prato, in a legitimate meeting, unanimously gave their consent "that the Sacred Congregation grant the aforementioned canon an exemption from residence and from the choir, with the obligation to fulfill, through a colleague, the weekly singing duty." The Bishop, after being consulted regarding his opinion, stated the following: "Regarding the request to provide clarification as to why a canon has been appointed to the Plebeian Church of Cerreto-Guidi, I respond that the appointment came from the Reverend Chapter of Prato, which is the patron of that church. It was written and said that..."

[*Latin ed. p. 396*]

596 From the Acts of the Provincial Council of Prato, it appears that efforts were being made to secure for Canon Ciardi, appointed to the parish, the granting of a benefice, and that sound and valid reasons would be

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presented. "For us, Ciardi is the man best suited to restore the somewhat diminished prestige of the aforementioned parish, and the people of Cerreto await him as a blessing. We therefore hope that the benefice will be granted." Thus, in my role, I observe that the reason presented deserves the utmost consideration, as it is stated by the speaker: "Given that there are certain issues between the parish and the Chapter, both the Ordinary of San Miniato and the Chapter itself have recognized that it would be advantageous to invest a canon with this benefice." Indeed, this matter is still current, for on September 7, 1901, the parish priest of Cerreto-Guidi brought the matter before the Chapter of Prato, urging that the tax – movable property – imposed by the government on a proportionate sum of 858 lire, and also the sum of 418.32 lire paid by the Chapter to the parish priest according to a legitimate agreement (as stated in the aforementioned case file), be not unduly and excessively reduced. And the Sacred Congregation of Rites, regarding this matter, responded to the question: "Are the sums of 852.60 lire and 418.32 lire to be repaid by the Chapter exempt from any tax in this case?" with: "Affirmatively." The Chapter petitioned and obtained a new hearing; and today, the matter is still under consideration; therefore, the dispute between the Chapter and the parish church continues. And if it is in the interest of the Chapter, and it is considered advantageous for the parish priest to become one of the canons, nevertheless, for reasons mentioned above, this cannot be considered equally beneficial for the parish; for if the burden of the tax – movable property – is no longer borne by the canons, the parish benefice will be permanently diminished, to the great detriment even of the spiritual well-being of the faithful. Therefore, in order that the necessary distinction between the plaintiff and the defendant may remain externally preserved in the judgment, it seems better, beforehand...

[*Latin ed. p. 397*]

LETTERS AND ACTS. 597. A vacant benefice is to be assigned a defender by office, whose duty it shall be to safeguard the rights pertaining to the parish until the judgment is rendered; after which judgment is issued, the entire matter shall belong to the Chapter, which it will wish to present for the vacant benefice. Having considered these matters, the question was raised as to what should be answered to the petition. RESOLUTION. The Holy Congregation, after deliberation on January 31, 1903, decided to respond: It is not advisable. MECHLIN. NULLITY OF MARRIAGE. On January 31, 1903. Session 24, chapter 1, concerning the validity of marriages. The cause of a marriage, duly celebrated on August 10, 1885, between Alice and Charles, was brought before the Holy Congregation. In the Mechlin court, the plaintiff had already, on February 16, 1893, declared her marriage null, alleging coercion, force, and fear, and on October 12 of that year, she received a favorable judgment, from which, as was fitting, an appeal was made to the Holy Congregation. It should be noted here that the judge of

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Mechlin had not questioned the husband or his witnesses, because he could not ascertain where the husband resided. However, in the following year, it was discovered that the husband was living under the name of Charles in the city of Buenos Aires. Therefore, the Holy Congregation, by letters addressed to the Archbishop of Mechlin, dated May 24, 1895, ordered him to complete the supplementary proceedings, after hearing the husband and his witnesses. Indeed, both the plaintiff's husband and the witnesses presented by him were duly examined, but with the following summary of the facts.

[*Latin ed. p. 398*]

398 FROM the cited passages of the COUNCIL, contradictions arose with the depositions of the Accuser and her witnesses. The Court of Mechlin, entangled in perplexities, refrained from rendering a judgment and submitted the entire matter to the most wise judgment of the Sacred Congregation of the Council. Therefore, the cause, proposed in the general assemblies on January 25, 1902, under the formula of inquiry: "Whether it is established that there is a nullity of the marriage in this case," received the response: "From what has been presented, it does not appear to be established that there is a nullity of the marriage." This judgment did not satisfy the Accuser, who requested and obtained a new hearing, and therefore the cause, increased with new documents, is again presented today to be discussed under the formula of inquiry: "Whether one should adhere to or recede from the decisions in this case." Synopsis of the Discussion. The Accuser's advocate divided his speech into three parts, as it were: in the first, he explains the nature of the entire cause, exposing the machinations by which Charles and his parents used to influence the mother of the Accuser; in the second, he strengthens the fear suffered by the Accuser with new allegations; and in the third, he demonstrates that no argument can be drawn from the letters produced by the adversaries. Therefore, the advocate first recalls that Alix opposed marriage with Charles not only because she felt no inclination towards him, but also because she had observed that he was burdened with debts, and because in urging her to marry him, he intended nothing but his own wealth. The most miserable conditions in which Charles' parents were then living were recently testified to by Albert, Marquis de Beauffort, Senator of the Kingdom of Belgium and formerly Prefect of the Province of Namur. Nevertheless, says the advocate, the mother refused to yield to the prayers and entreaties of her daughter, having been so cleverly manipulated by the artful schemes of Charles and his parents! Regarding her foolish conduct, the very Lady Laura Fischer laments in her most recent examination: "It is only a few months before the proposal, and at a time that coincided

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with..."

[*Latin ed. p. 399*]

MECHLINIEN. 599 The illness of my father-in-law, which Jeanne and Marie of Villermont have used every possible means to make my daughter and me believe, is that their cousin has a long-standing and faithful affection for Alice. The letters which are now presented, as Lady Laura Fischer mentions, are the clearest testimony, the orator said, both of the anxieties that Charles's parents felt because of the fear that the proposed marriage would not be agreeable to Alice, and of their efforts to bring about the marriage. If they know that Alice is distressed, they are immediately agitated, and they hypocritically inquire into the cause of her distress. However, the orator observes, as is now well known, the opposite occurred, for when Alice first saw Charles's parents, she was so displeased by their demeanor, their manner of acting, and even the appearance of Charles's mother, that she began to detest the proposed marriage even more. Furthermore, among other things that Charles's parents, knowing of Lady Laura Fischer's ambition, used to deceive her, the orator says, is that they asserted that Charles was a Baron, whereas in truth he possesses no title of nobility. Therefore, the lawyer argues, since Charles's parents and relatives have used so many machinations to bring about this marriage, it is no wonder that later, when the nullity of the marriage began to be discussed, they have tried with all their might to thwart the action instituted by the Plaintiff, presenting arguments that are completely false and entirely contradictory. In presenting these falsehoods, the first, the lawyer continues, is Charles's father, who did not hesitate to assert, evidently in order to show that he and his son have a long-standing relationship with the Fischer family, that he had been familiar with Alice since the year 1880. Therefore, the lawyer argues, the testimony of the witnesses on the opposing side perfectly confirms that well-known principle: once a liar, always a liar. - On the other hand, at another part of his oration, [the passage breaks off].

[*Latin ed. p. 400*]

400. From the Sacred Council, the advocate notes that his witnesses marvelously agreed in their testimony, and that they, both in number and in integrity, were equally deserving of preference, and moreover, that they were of great authority. Indeed, he says, these witnesses unanimously testified that Alice, who for four years had neither seen Charles nor had any familiarity with him, when offered marriage with him, had initially refused, and that her aversion to him had increased day by day, as she became more and more convinced that the young man and his parents sought nothing but to enrich themselves through her; that she finally consented to the marriage only after having experienced all that could be done to avoid the marriage, compelled by her most severe mother, to whom all,

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including Mr. Achille Fischer, the advocate's father, were obedient; that Mrs. Fischer, partly deceived by Charles's nobility, and partly driven by the fear of scandal, which would have arisen if the marriage had not taken place, disregarded the protests and tears of her daughter; furthermore, they testified that Alice's consent to the fictitious marriage was rather a matter of pretense, and that the subsequent common life was brief and unhappy, both because of Alice's antipathy towards Charles, and especially because of Charles's deplorable character. Indeed, the advocate continues, all of these things were fully confirmed, and indeed, were more abundantly declared by those two witnesses who were recently heard, and that the very Reverend Judge of Mechlin, in his letters to the Sacred Congregation, testifies that they are worthy of the highest trust. And then he adds: "And I was not surprised a short time later, when I thought I was in the garrison of Bpernay, to find General Fischer's daughter, who had recently been married, in a demeanor that confirmed everything I had thought was unfavorable about the marriage that had been forced upon her." Therefore, the advocate adds, the witnesses do not doubt that the marriage was begun solely under the influence of fear instilled by her mother. Indeed, in response to the judge's question: "Do you have the conviction that Mrs. Alice did not marry Mr. Charles except under the compulsion of her mother?" she replied categorically: "Yes, I have the most absolute conviction."

[*Latin ed. p. 401*]

MECHLINIEN. 401 This is entirely consistent with the testimony of Emma Manderlier, who from the year 1880 to 1886 was in the service of the Fischer family, and who was entirely free from any suspicion of collusion, as the patron stated, because she, due to the fault of her husband, who also served the parents of Alice, was expelled from the Fischer household. When questioned by the judge: "What would have led Madame Alice Fischer to marry Monsieur le Baron Charles?" she answered under oath: "No one but Madame, the mother of Alice. It was she who urged her to this marriage. The cousins of Monsieur de Villermont, Mademoiselles Jeanne Marie and Henriette, often came to visit Madame Fischer, and it was they who put the idea in Madame's head of marrying her daughter to their cousin. This is the sentiment that Madame Fiévez, the mother of Madame Fischer, expressed to me. Mademoiselle Alice had rarely seen Monsieur Charles before her marriage; her affections were not for him, but for others whom she did not name." Then the servant added: "Alice never loved Monsieur Charles; her mother knew this, and I heard her tell her that a daughter did not need to love her husband before marriage, that she would love him afterwards. Mademoiselle Alice repeated to me many times that Monsieur Charles displeased her. She added that the stepmother was a flighty woman, a kind of madwoman." Furthermore, due to the efforts of the mother, she continued: "Madame was good to her

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daughter; but they did not agree about the marriage. I often witnessed violent scenes, and I also heard the mother say to her daughter that she would lock her up if she did not change her mind; that she would put her in a convent. Mademoiselle Alice was very sensitive to these treatments from her mother. There were hardly any days that I did not find her in tears." And in another examination, she answered: "I often witnessed violent scenes. I saw, among other things, that the mother took her daughter by the arm and pushed her away violently. Alice would say: 'Mama, am I bothering you? I am not.'"

[*Latin ed. p. 402*]

402 FROM THE TESTIMONY OF THE COUNCIL: They pressed me to marry. – To which the mother replied: – I do not wish to lead you into the world for ten years; my health does not permit it. – She then made all sorts of reproaches to her daughter. Furthermore, the advocate argues, considering the condition of Lady Laura Fischer's health, Alice was entirely obligated to obey her mother and to comply with her wishes, even if, as some opposing witnesses claim, she was of a different nature. Indeed, at that time when the marriage was being prepared, Lady Laura Fischer appeared to be suffering so greatly in her heart that people feared that she might suddenly die from the fits of anger she was experiencing. "A few days before the wedding," says Alice, "when I saw my wedding dress, I was overcome with despair, and I told the maid that I would not wear it, neither at the town hall nor in the church. The maid, to calm me, went to fetch my grandmother, who, in her presence, once again told me that if I caused such a scandal, I could be sure of having my mother's death on my conscience." Therefore, the advocate adds, since the girl was in such a miserable state, unable to resist her mother and unable to obtain any help, either from her father or from friends whom she could not reach, she did not hesitate to take violent measures to avoid the forced marriage that was threatening her. All those who had to know the facts agree with the actress in her account, namely the parents and the maid Emma Manderlier, as well as the coachman Peter de Meuve. Emma Manderlier states: "It is certain to me that Miss Alice was married entirely against her will. As soon as the marriage was decided, she became completely discouraged. She fell into despair. One evening, I suddenly entered her room, and I found her with her chest uncovered in front of the open window, and when I made an observation to her..."

[*Latin ed. p. 403*]

MECHLINIEN. "Une jeune femme, âgée de 40 ans, m'a dit qu'elle était atteinte d'une maladie mortelle, et elle m'a répondu qu'elle ne désirait que mourir. 'Je préfère cela que de me marier avec Monsieur.' Trois semaines plus tard, elle s'est tiré une balle avec un revolver, ce à quoi je

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m'attendais, car j'avais même cherché à lui enlever son revolver; mais elle l'avait caché. Tout ce que je viens de dire, je l'affirme, car j'en ai été témoin." Ainsi, les témoignages judiciaires ont pleinement confirmé ce que le Dr. Lapponi a déclaré, après avoir été interrogé officiellement, concernant ce qu'il avait observé et déclaré le 22 janvier 1902, à savoir la blessure au thorax de l'actrice. À une autre question, le témoin a répondu : "Je n'ai rien à ajouter à ce sujet, sinon que la balle est de petit calibre, et par conséquent, le revolver également"; ce qui est confirmé par les déclarations du Seigneur Achilles Fischer. Par conséquent, même d'un point de vue physique, il est évident qu'il s'agissait d'une tentative de suicide, a déclaré l'avocat, car la blessure, compte tenu des circonstances dans lesquelles elle a été découverte, ne peut être expliquée que par un suicide. Bien qu'il n'ait pu rien dire de précis concernant la cause ou l'occasion du suicide, il est néanmoins important de noter que, selon certaines affirmations, la cicatrice de la blessure suggère qu'une tentative de suicide a eu lieu il y a environ seize ans, et qu'il est certain que ce mariage n'a jamais été consommé, comme les témoins de Villermont l'ont attesté. Cependant, si l'on veut établir l'irréligiosité d'Alice, il est nécessaire de supposer que l'actrice s'est infligée des blessures pour éviter le mariage forcé. Néanmoins, la mère d'Alice n'était pas insensible, car, comme le témoin, M. Marcellinus De Saegher, a déclaré : "elle était une femme qui sacrifiait tout pour les besoins de ses relations." Et la mère de l'actrice elle-même a déclaré : "J'ai constaté que ma fille éprouvait toujours la même répugnance pour ce mariage; mais comme les fiançailles étaient annoncées, que le trousseau était commandé, du moins en partie, et que, sauf le contrat de mariage devant notaire, tout était réglé entre les deux familles, je n'ai pas voulu reculer pour..."

[*Latin ed. p. 404*]

404 FROM S. C. CONCILI: to avoid the scandal of a separation, and always believing that I was ensuring the happiness of my daughter." Neither the attempted suicide nor the means used by the defendant to achieve it, the advocate stated, invalidate Alice's timidity, but they demonstrate only that Alice opposed the marriage with Charles. Although Alice was unable to sway her mother's mind through her attempted suicide, she nevertheless did not cease to manifest her aversion towards Charles. "I have had a sharp pang of conscience, from a religious point of view, for having committed this act," the defendant declared, "and great regret for having done so. My aversion to this marriage remains the same. Only, I have felt even more strongly that there was no way for me to escape it, since even these absolute proofs of repulsion have not been able to shake my mother." This unfortunate story of a marriage, the advocate stated, and the documents recently presented, clearly demonstrate the vehement love that Alice had for Charles, which is evident in the letters, and that this love was neither possible nor truly existed, so that the well-known principle can

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be applied to these letters: "What is too good to be true, is not true." Firstly, if Charles's dowry and patrimony are considered, and they are compared with the defendant's condition, everyone will easily observe that Charles was not a man who, either because of his qualities of mind or because of his possessions, could attract a young and wealthy girl to fall in love with him. Enough has been said about Charles and his family's patrimony, or rather, their poverty; regarding his intelligence and qualities of mind, it is sufficient to recall the manner in which he behaved towards Alice after the marriage, of which there is clear testimony in the civil divorce judgment, as well as the opinion that some of his relatives have expressed about Charles, as Laura Fischer has made manifest. Furthermore, the advocate stated, the circumstances in which the marriage took place and the new documents completely exclude the possibility that Alice was so foolish as to reject Charles, despite all his merits, as some claim.

[*Latin ed. p. 405*]

MECHLINIEN. 405 In defendendo haec, dixit advocatus, oratrix minimè mentitur, quod manifeste patet ex eo, quod tali erat viri conditio, ut Alix, quamquam libenter Carolo nupsisset, de contracto coniugio contenta esse non potuisset. Nam Carolus ipsa die celebrationis matrimonii, ubi primum cum sponsa colloqui potuit, eidem fassus est se aere alieno oppressum nihil prorsus habere nisi « cinquante centimes »; sponsi ob pecuniae inopiam voluptuarium iter breviare debuerunt, sicut ipsi adversarii fatentur; tandem Carolus ipse asseruit se primis vitae communis temporibus cum sponsa minime concubuisse. Ceterum urget patronus, in dicta epistola die 27 Augusti data, si excipias ea quae nuptiale iter respiciunt ac laudes tributas humanitati, qua viri propinqui sponsos receperant aliasque ineptias, de coniugum relationibus nihil aliud reperies. Tanta revera fuit inde ab initio coniugalis vitae animorum dissociatio inter sponsos, ut ne duobus quidem mensibus transactis ab initis nuptiis, Alix Carolum deseruerit animo ad eum non amplius redeundi. Id manifestissime constat ex ipsius Caroli litteris ad sponsam missis die 5 Octobris eiusdem anni 1885. Tandem orationem suam absolvit orator verbis Emi Melburnensis Archiepiscopi in suis litteris die 1 Octobris ad S. C. C. datis: « Hac occasione Emis ac Rmis S. Congr. Patribus commendare maxime libet causam Oratricis, in cuius favorem plurimum facere videntur quae in processu suppletivo ad S. Congr. 14 Iunii misso actitata fuerunt, quaeque ipsa robur ex praesenti processiculo accipiunt ». DEFENSIO SACRI VINCULI. Ex adverso vinculi defensor contendit multa in actis haberi, quae merito obstare videntur quominus actricis vota impleantur. Et orator ad suam thesim demonstrandam in duas veluti partes orationem suam dispertitur, in quarum prima summam refert argumentorum, quae in prima causae propositione tum a patronis oratricis tum a Sacramenti vindice allata sunt; in altera vero quoad noviter allata

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documenta suas congerit difficultates.

[*Latin ed. p. 406*]

406 FROM the Omissions in the synopsis of the first part of the prayer, I shall refer only to the summary of the arguments which the defender of the accused has presented in the recently submitted documents. Indeed, the documents now presented are primarily these: 1. The examination of the accused woman, especially concerning the alleged suicide. 2. Supplementary examinations of the mother and father of the same, as well as of Peter De Meure, the coachman. 3. The examination of Emma Manderlier, who was a servant in the household of the Fischer family at the time of the celebrated marriage: as well as of Albert De Beauifort. 4. Extracts from certain letters. The defender, appealing to truth, presents three points in his observations which, according to him, seem to persuade even now that the case should be dismissed with a negative verdict. One pertains to the credibility of the Fischer family; the second to the weakness of the arguments which have been presented thus far to prove fear; the third to the final conclusion to which, in this case, it seems necessary to arrive. And first, in order to undermine the credibility of the Fischer family, the accuser believes that more can be opposed to the praises with which the aforementioned family is showered by both the Curia and the parish priest. And indeed, he says, the Fischer family, from the acts of the case, reveals itself as a school of hypocrisy, in which everything is arranged according to the mother's wishes; this mother, who is not constant in her own opinions, is truly a great mistress of minor hypocrisies, and today she denies what yesterday she affirmed, perhaps prepared (since from past events one may argue about future ones) to proclaim tomorrow what she is today striving with all her might to overturn. Therefore, the accuser maintains that the credibility of this family is doubtful because of its extreme inconsistency, which, he says, is clearly demonstrated by all that preceded and followed the marriage. And indeed, he says, is it about these marriages being celebrated? The mother and father and daughter cooperate, albeit in different ways, to bring them about. Is it about these same marriages being dissolved? The mother and father and daughter reappear, and...

[*Latin ed. p. 407*]

MECHLINIEN. 407. Divers individuals conspire, each pursuing their own aims under the guise of a single, common purpose. Indeed, the accuser of the Sacrament asserts, and if we are to believe the accusers, the following facts have been fully proven: a) the daughter was averse to these nuptials; b) the mother, nevertheless, compelled her daughter to consent; c) the father, having been asked by his daughter for assistance against the mother's coercion, refused to intervene out of fear. Therefore, according to them, the conclusion is: such nuptials, having been initiated out

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of grave fear, are certainly devoid of any true validity. Now, this central allegation undermines the argument for the invalidity of the marriage to a great extent, due to the extreme fickleness of those who participated in arranging and celebrating it. Firstly, there is the fickleness of the mother, who seems to spare no effort to bring about the desired marriage. This is evident from what she wrote to her sister-in-law, among other things, on December 10, 1884, concerning the betrothal of Alice and Charles: "You are undoubtedly aware that your nephew recently came to Brussels with the intention of asking for Alice's hand... Charles has shown himself so devoted to Alice and so considerate towards us that he left with our consent... We are very happy with our decision, etc." Not only before, but also after the marriage, the mother speaks with great emotion about this union, as can be seen from the letters she sent to the same sister-in-law of Charles. We have heard the mother praising the marriage being celebrated; now we hear her attempting to reduce those same nuptials to nothing. According to the accuser, the daughter imitated the fickleness of her mother. And indeed, before the marriage, when writing to the Countess de V., she used the following words, which seem to befit only a young woman consumed by great affection: "I am so happy today that I cannot tell you how pleased I am that a new bond has united me to all of you whom I love so much! ... We love each other deeply, and nothing in the world could ever separate us, etc." And not only...

[*Latin ed. p. 408*]

408 FROM the aforementioned documents of the Council, but, which is far more serious, after the marriage, it exhibits the bright signs of a burning love, writing on August 27, 1887, to the same Countess: "Voilà the honey of the charming moon in which we are living at this moment, etc. We have finally discovered a charming house, a true nest of lovers, etc." Indeed, the defender of the marriage, Alice, in order to cleanse herself of the mark of fickleness, invokes the authority of the letters written before the marriage: a) first, the mother, adding new arguments of fickleness, responds: "No, my daughter did not express her own feelings, she wrote under my inspiration, and I read the letters that she wrote"; b) then, the father himself, although still before the marriage, when the daughter timidly asked him for help against the mother's accusations, he responded, as if fearing the wife's anger, that "she should address her mother, in whom she had complete confidence"; now, and he himself, imitating the fickleness of his wife and daughter, responds: "No, it was the mother who dictated the answers, or at least imposed what she should write." The lawyer does not consider it sufficient to explain the aforementioned letters written after the marriage, in which she stated, because indeed: "I could not, being in fact married and desiring to live in peace, at least with the Villermonts of Belgium, make written confidences, especially, etc." As if to say, these asserted additions,

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which are the very words read in those letters, are sufficient to explain that! From this, the lawyer argues that the Fischer family deserves little trust. And indeed, he says, if during the marriage, the Mr. Fischers say and do such things that, later, admitting to explaining them very differently, completely making them suspicious to those interested, who would not begin to wonder, that if, immediately, with changed circumstances, the parties were to change, or, if today the Fischer family is fighting against the De Villermont family for invalidity, tomorrow the De Villermont family would fight against the Fischer family for nullity.

[*Latin ed. p. 409*]

MECHLINIEN. 409. The judges, astonished, were presented with a new spectacle of deceptions by the Reverend Father Fischer, who vehemently declared that Alice had freely married Charles, and that this was made even clearer by letters sent by her both before and after the marriage! But the lawyer objects, stating that the records of the Mechlin court show that the proceedings were conducted in such a way that there is no reason to suspect collusion, and that the actress did not flee to the court unaware of her mother, nor were any witnesses informed or instructed by her, nor did she diligently avoid giving them any answers. The defender of the bond replies that the opposite can be deduced from the records; indeed, he says, from the new records we know not only that the actress remained silent in the previous examination regarding the alleged suicide attempt (which silence, perhaps, could be excused in some way), but that she also remained silent about such an attempt before those who could testify about it, especially the actress's father and mother. Truly, if this is the case, and indeed for the very reason that the actress indicates when she answers in the new interrogation: "I feared that it would impress a religious tribunal unfavorably," we can rightly presume that other things were concealed or omitted. And do not say: "The suicide attempt was concealed because, for various reasons (e.g., for the sake of family honor), it had been agreed, immediately after the fact, to maintain absolute silence about it: 'I had promised (said the actress in the new interrogation No. 5) to my mother never to reveal it. My wife (said the father, also in the new interrogation No. 3), told me again that we must keep silent about this reprehensible act...'" For the lawyer replies that these promises were made at a time when no action was being taken to initiate proceedings for nullity, and therefore, since in this case it is impossible to avoid the matter, it is certainly more certain that, with the lawsuit pending, the actress and her parents, indeed even her brother George, solemnly agreed before the judge to maintain silence, from which a serious suspicion of other collusions arises! Furthermore, regarding the argument of infirmity, which is presented to prove fear, the defender of the

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bond points out that...

[*Latin ed. p. 410*]

410. FROM the decree of the Sacred Council, the argument based on the testimony of the actress and her parents is, it seems, sufficiently and even excessively refuted by what has already been said, nor is it much strengthened by the other arguments presented, namely: the depositions of witnesses, several letters, and finally, the alleged attempt at suicide. And first, concerning the witnesses presented by the actress, the advocate believes that several objections can be raised, as is evident from the points noted by another defender of the marriage bond in the initial presentation of the case, for example, because (at least some) "since they do not have in mind the particular facts that are absolutely necessary to prove fear, they are all concerned with impressing the judges with general statements in order to create a favorable impression." Furthermore, for example, "some are presented by the advocates as if they were being questioned under oath, whereas in fact they were witnesses presented by the actress herself." Then, the defender of the Sacrament notes that the advocates are excessively distorting the testimony of male witnesses, presenting them as unworthy of belief. "Does anyone," he exclaims, "deny the credibility of these witnesses because they bear the name De Villermont, or because they give favorable testimony for the groom De Villermont?" Indeed, the advocate argues that, all other things being equal, male witnesses should be preferred over female witnesses for two reasons: 1. because they uphold the value of marriage; 2. because they exclude the possibility of fear. Furthermore, the advocate adds that the advocates for the actress do not properly interpret the rule of law, as stated by Mascardi in *De Probationibus*, II, Conc. 1052, namely, that "greater credence should be given to witnesses who testify about fear than to a thousand who deny or assert free will." However, according to the defender of the marriage bond, a distinction must be made as to whether the witnesses who deny fear are testifying purely and simply about free will, or whether they are testifying about free will while excluding the threats, etc., that are alleged by the opposing side. "Therefore," writes the learned Schmalzgrueber in his commentary, title *De his quae vi metusve*, n. 35. Furthermore, concerning the argument derived from the alleged...

[*Latin ed. p. 411*]

MECHLINIEN. The advocate observes that Alicia allegedly attempted suicide in order to reject the proposed marriage. Firstly, he points out that the late presentation of this allegation casts doubt on the family of the Fischers' good faith, as it suggests that they may have delayed providing information. Furthermore, with regard to the physical evidence, namely the alleged suicide attempt or, more precisely, the traces of the alleged sui-

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cide attempt, we have only the testimony of one expert. Indeed, to believe the testimony of even one expert is not without risk, especially since, in this case, the expert was not appointed by the Sacred Congregation, but by the actress herself, and therefore his expertise was initially extrajudicial, although it later became judicial through the ratification of the Sacred Congregation. Moreover, with regard to the moral evidence of the alleged suicide attempt, the defender of the sacrament points out that it consists entirely of the affirmations of a few individuals, whose number and authority are questionable, namely Alicia, her parents, and the maid, Manderlier; the coachman, however, testifies to nothing regarding the cause of the suicide. Does anyone, the advocate asks, truly believe that they can be certain of the veracity of such witnesses, that Alicia truly took her own life in order to reject the marriage? Could not something else have happened, perhaps at a time more or less distant from the betrothal, or even after the marriage had been celebrated and the conjugal relationship broken? In vain, he argues, would one oppose the expert's words: "The characteristics of the scar and the perfect encasement of the projectile allow us to assert that the injury occurred a long time ago, which can be estimated at about fifteen years." And indeed, if it is fifteen years, why not (considering the circumstances) sixteen (or before the betrothal), or thirteen (or after the abandonment of her husband)? Furthermore, the defender of the marriage argues that it would only be necessary for the actress's wishes to be taken into account if it had been clearly demonstrated that the case involved the fear that, according to canonical statutes, prevents the validity of marriages. But, according to the advocate, all the arguments presented so far are insufficient to prove the...

[*Latin ed. p. 412*]

412 FROM THE DECREE OF THE COUNCIL concerning the imputation of fear; which is entirely crucial in this matter, either because marriage is always presumed to be freely celebrated, or because the imputation of fear, whether considered in itself or independently of the subjective intention of the one alleging it, and therefore of their good faith at least sometimes, is something criminal, which is not presumed but must be entirely and fully proven: but even granting, for the sake of argument, that the imputation of fear has been proven, it is far from being the case that the nature of the fear itself has been adequately proven. And indeed, the advocate asks, what threats occurred in this case? Perhaps, and this is more serious, what the witness Emma Manderlier states, in whose authority the defender seems to place great confidence, and who was questioned twice in the supplementary proceedings, namely on May 13th and August 29th, 1902. In the first examination, when questioned about the threats made by the mother, she replied: "I have often witnessed violent scenes; I also heard the mother say to her daughter that she would lock her up if she did not change her ways:

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that she would put her in a convent." In the second questioning, when asked to elaborate further on the phrase: "violent scenes, etc.," she replied: "I have very often witnessed violent scenes. I have seen, among other things, the mother take her daughter by the arm and push her away violently... The mother would then make all sorts of reproaches to her daughter." Indeed, if this, perhaps, is more serious than what is asserted in the indictment, the defender observes that it is, in reality, not very significant: 1. because of the doubtful credibility of this woman, who was already a servant in the Fischer household, and whose testimony was given too late; and the advocate does not find it convincing, given the reason given by Alice that Emma had not been summoned before out of fear that she would speak of suicide; 2. because the second questioning, as noted above, must be rejected as being extrajudicial; 3. because, as they say, those threats and vexations are of problematic value. And indeed, that the mother reproaches her daughter, shakes her by the hand, shows her the open door of a cloister, and even says that she will deny her love to her, are, according to the defender, not...

[*Latin ed. p. 413*]

MECHLINIEN. 413. Those things which could have caused a grave fear, to which one could not yield, especially in the case of a woman of advanced age, since she had already passed her twenty-second year when she entered the religious life, and moreover, she was the only daughter (besides a brother now deceased). Therefore, the following presumptions were presented to the petitioner in Aversa: 1. That she could have resisted her mother, all the more so because she could always hope for some assistance from her father, especially in more serious matters, such as, for example, in the hypothesis of a forced removal to the cloister; 2. That the mother had not seriously uttered those threats, which therefore should be considered only as empty terrors. Considering these points on both sides, the purpose was to clarify whether one should adhere to or recede from the decisions made in the case. RESOLUTION. The Sacred Congregation of the Council, after a thorough discussion on January 31, 1903, decided to respond: From the newly presented information, it is established that the marriage is null. FIESOLE. CONCERNING THE OBLIGATION OF PERFORMANCE. January 31, 1903. Session 25. Chapter 1. Regarding the reference. Canonically, Angelus Maria Bandini, through the supreme will expressed in his testament on June 12, 1802, established a pious work from all his goods, intended, first, for the education of poor young people of Fiesole, both in Italian and Latin, as well as in religious and moral matters; and furthermore, he ordered that a canonical benefice be established under the title of Saint Ansano in the Cathedral of Fiesole. Indeed, the canonry was established by a decree of the Bishop of Fiesole on August 14, 1804,

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ordering... COMPENDIUM OF THE FACTS.

[*Latin ed. p. 414*]

414 FROM THE HOLY COUNCIL, a new canon is to be assigned an annual sum not less than that given to other canons, and it is also stipulated that "should there be more than one canon," or the administration of the pious work "in the name of compensation for this grant, must pay each year in the month of April to the Capitular treasury the sum of thirty-one lire." The grant of which the Bishop speaks is understood to be that made by the Chapter to the new canon, in connection with the turn of Masses assigned to the weekly canon, from which some profit was lost to each canon. Indeed, the loss suffered by each canon, due to the fewer Masses celebrated by them, was estimated to be thirty-one (31) lire for each canon.

A SYNOPTIC DISCUSSION: And regarding this burden, a question is raised today; for although this burden was imposed from the beginning with clear words directly upon the patrimony of the pious work, nevertheless, with the passage of time, it has been paid, in one way or another, by the canon of S. Ansano. The Chapter asserts that the canon himself made this payment from 1825; on the contrary, this canon objects, stating that this payment began in the year 1809, and that in the accounting books, under the year 1832, it is noted: "From the Pious Work and received by the Canon of S. Ansano." However, the objecting canon does not deny, and it could not be denied, that the canon of S. Ansano has, up to the present day, paid the sum of 32 lire, to be distributed proportionally among the canons, but he contends that it was paid erroneously and improperly; since this burden was imposed in the founding documents upon the pious work itself, and is in no way due from the canon, therefore, the canon must be considered to have paid, in the name and by the mandate of the pious work, and is entitled to receive back the same sum, because of the payment of money which he did not owe. Indeed, today, this payment is in no way recoverable from the pious work, because of new laws issued by the Government of Italy.

[*Latin ed. p. 415*]

FESULANA 415. Concerning pious works, it was established in 1879, by a statute signed by the Bishop and the canonical chapter members, as administrators of the pious work, as well as by the Royal Administrator for internal affairs: nowhere is there any mention of this obligation. Furthermore, it is said that a certain sum of money – as a kind of tax – imposed in 1817 is still paid by the Pious Work, but this must not be confused with the obligation about which we are speaking today; whether this obligation dates back to the very act of its establishment, as the chapter members believe, or to some other decree of August 18, 1805, as the opponents claim. Indeed, the origin of the present controversy lies in this. The priest Bargigli,

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who held the canonry of St. Anselm from 1882, paid the aforementioned sum of 32 *libellae* to the chapter until 1892. However, from that year, he refused to pay this sum, claiming that he was not bound by this obligation, and even demanded that everything he had paid up to that year be returned to him. The same is claimed by Father Joseph Focardi, who has also paid this sum while holding the same canonry, and who also wants to be declared exempt from this obligation in the future. Both, therefore, assert that the 32 *libellae* are to be paid to the chapter by the Pious Work of Bandini, and not by the canon of St. Anselm, according to what was established both at the time of the establishment on August 8, 1804, and in the decree of August 18, 1805. The chapter members maintain that this sum is owed to them by the canon of St. Anselm as compensation, since they themselves provided a benefit to him previously, namely, an allowance derived from the alms of Masses which each canon celebrated weekly; and thus, the canon of St. Anselm became a participant in these same alms. Therefore, they assert that this sum has been diligently paid by the holder of the canonry of St. Anselm from at least 1825 until the present time: and the chapter believes that this sum is derived from the assets of the same pious work, so that if this income is still with the aforementioned...

[*Latin ed. p. 416*]

416 FROM THE MOST HOLY CONGREGATION, it is desired that the administration of this pious work continue, and that the administration itself provide for it; but if a canon is to be added to the benefice of Saint Ansano for a time (which the canons believe), then the obligation of payment shall pertain to that canon. The Chapter states, "It is not surprising if the aforementioned sum has been paid by the canon of Saint Ansano since the year 1825, since it is legally due, given that the revenues of his canonry have increased from 746.76 to 944.60, and it adds: 'And just as with this increase, the obligation of the anniversary and the tithe was imposed directly on the administration of the pious work, so the fact and practice of at least 50 years leads us to conclude that the same occurred with this payment to the Chapter.'" Furthermore, the Chapter wishes that this obligation also pertains to the aforementioned canon even after the organic statutes of the Bandini Pious Work, otherwise, according to the Chapter itself, there would be no reason why, in addition to 47.48 "for the anniversary and the tithe," 55.36 were added. They state, "Since the canon's honorarium is 850 lire, and his foundation allowance is 746.76 lire, with 47.88 lire more for the anniversary and the tithe, there is a surplus of 55.36 lire which does not appear to be accounted for, because it seems to have been added only to continue the annual payment to the Chapter." Moreover, it adds that, shortly after the publication of the statutes, the administrators who had drafted the statutes collected this sum from the canon of Saint Ansiano, although he subsequently protested and refused to pay it. Furthermore,

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the Chapter adds that there is no mention of this obligation imposed on the canon in the same statutes, since, in fact, it concerns a particular agreement concluded between the canon of Saint Ansiano and the Chapter itself, and therefore does not directly affect the pious work. On the contrary, the canons Bargilli and Focardi: a) deny that any damage has been caused by the payments made to the Chapter; indeed, they point out that the current Bishop Camilli has established two canonries, and has assigned them to the turn of the Masses, and that the same obligation...

[*Latin ed. p. 417*]

FESULANA 417: They assert that these [payments] were imposed upon them, namely, to satisfy the needs of each of the canons of the Chapter. b) Furthermore, they deny that any agreements whatsoever existed between them, beyond that which was established in the decree of August 14, 1804, and in the statute of May 6, 1879. Therefore, they maintain that the aforementioned sum was unjustly demanded from them by the same Chapter. c) Moreover, they observe that they do not dispute that the "Opus Pium" [pious work], as evidenced by the act of its establishment, is obligated to pay to the same Chapter, but rather they dispute those payments which are due to each individual canon, as stated in the decree of August 18, 1805, because these payments are due from the "Opus Pium" itself, and not from the canon. d) They also assert that it is not in accordance with the truth that which is asserted by the canons, namely, that at least from the year 1825, the canon of Saint Ansano has been accustomed to pay the aforementioned sum to the same Chapter, when, on the contrary, this canon has paid it from the year 1809 to the year 1879. However, they observe that until the year 1832, this was recorded in the Chapter's books, that the canon treasurer received "from the Opera Pia, and through it, from the canon of Saint Ansano, the sum of 32 Lira." But, they infer, if the canon of Saint Ansano made this payment from the year 1825, then it must be said that he paid it under the title by which it had been paid up to the year 1809; and since it has been paid for that pious work from that year onward, it is evident, they assert, that the canon of Saint Ansano has continued to pay it for that same pious work. Furthermore, they assert that the omission of that same formula in the required sum from the year 1832 must be corrected, because at times, under a different title, the treasurer has erroneously collected the sum of 32 Lira. For, the canons assert, it is certain that prescription cannot be established through error, by virtue of which, rather than being demanded from the "Opus Pium," this payment can be demanded from the canon. Furthermore, the canons observe that in the canonical statutes, among the obligations incumbent upon the canon of Saint Ansano, the payment of this sum to the Chapter is not listed. Indeed, in the Acts, Volume XXXV, page

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CDXV, 27.

[*Latin ed. p. 418*]

418 From the Sacred Congregation, they add article 51 – Transitional Provisions – concerning the temporary rector: "Article 54 of the present Statutes shall not apply to the current rector of the canonry of Saint Ansano, who shall continue to enjoy, as long as he holds that position, the revenues and assignments attached to said canonry, in the manner and under the conditions in which he has enjoyed them up to now, provided that he remains obligated to fulfill all the duties incumbent upon him as outlined in the preceding Chapter VI." Furthermore, since in article 25 of the same Statutes, no mention is made of the aforementioned payment to be made by the canon of Saint Ansano to the chapter, it follows that successors in the same canonry after the year 1879 should not be subject to this obligation, and that it is just that what was erroneously received by them be restored. Finally, the canons who are opposing note that, today, there is no longer any loss for each canon from the admission to the *turno* of Masses; for "the alms of L. 1.68 on holidays, and of L. 1.12 on weekdays, due to the weekly canon and granted also to the canon of Saint Ansano," caused a loss to each canon at the time of admission, but not today, since more substantial alms are now received by any priest celebrating. For this reason, newly admitted canons to the *turno* of Masses do not provide anything to each canon under this title. To this, the other canons respond that the disputed payment was imposed not only because of the admission to the *turno* of Masses, but also because "the same chapter must give to the canon for the time being of the aforementioned canonry a candle of the same weight that is distributed to the canons on the day of All Souls and the Purification, and the Palm branch, and in compensation for this burden, the Chamberlain, that is, the administrator of the Sandini estate, must pay L. 7 of said money" according to the act of foundation of the canonry itself.

[*Latin ed. p. 419*]

FESULANA 419 OBSERVATIONS ARISING FROM OFFICE DUTY. These observations seem more pertinent to the specific matters at hand. In my official capacity, I note the following. The current question, indeed, is this: whether the sum of 32 *librae* is to be paid by the canon of the title of Saint Ansano, in favor of the individual chapter members. Furthermore, it is important to note that the chapter members themselves are not infected, and that this payment, imposed by the founding statutes, was not owed by the canon himself, but to the patrimony of the pious work; and that all chapter members, including those who oppose, assert that this sum has been paid from a very remote time, perhaps from the year 1809, as the opponents themselves admit. However, the opponents caution that, until the year 1832, the records clearly show and prove that the payment

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was made by the canon on behalf of and by mandate of the pious work. But from that time onward, this clause is omitted in the aforementioned records, and only a simple mention of the subsequent payment is made. It is, however, best to report what is testified by the two canon opponents: "But we do not concern ourselves with the inaccuracy of the dates, and we concede that the holder of Saint Ansano has paid the sum from 1825 onwards, without it appearing what the true reason was for which he paid it: nevertheless, we will naturally draw a conclusion contrary to the Reverent Canons: since, if from 1825 the Canon paid the sum, it is evident that from then on he paid it for the reason for which it was paid from 1809 onwards; and since, from 1809 onwards, it was paid on behalf of the Pious Work, as appears from the attached documents, it follows that until today, the Canon has paid on behalf of the Pious Work. Furthermore, the omission of that formula, from 1832 onwards, is the result of the Reverend Cardinal having, as also happened then, frequently ignored the reason for which he collected the 32 *librae*, just as the Canon Manuelli, when he placed an incorrect title on the receipts for 1898-1899, issued to the Canon Focardi." An omission of a title or an incorrect form cannot constitute a fact that gives the right to demand the payment.

[*Latin ed. p. 420*]

420 EX. S. G. CONCILII from the Canon, rather than from the Pious Work: And since a false fact might induce a prescription, which is precisely denied, since errors are corrected, does not the Statute compiled in 1879 by the Most Reverend Canons, approved by ecclesiastical authority, and, according to the current laws of the Kingdom of Italy, by the Ministry, remove all doubt? The Pious Work Bandini, represented by the Most Reverend Canons, compiled the aforementioned Regulations in 1879, introducing therein those modifications which they deemed appropriate; and with regard to the Canon, they promulgated Articles 25, 26, and 37; in these are described the rights and duties proper to the Canon; but among the duties, the obligation to contribute to the Canons does not appear. "Sed cum canonici provocent ad art. 25 Statuti organici, hunc articulum referam advertens, inde constitui regulam ordinariam, cum articulus 51 exceptionem quamdam firmaverit favore canonici tunc temporis obtinentis praebendam; scilicet ne praeiudicaretur iuribus legitime quaesitis." - Article 25 is worded as follows: "In addition to the use of the villa and the usufruct of the garden and adjacent land, he shall receive annually the sum of L. 850, as compensation for all the obligations inherent in the canonry, including the feast of the titular and the anniversary prescribed by the testator, while the expenses for impositions and embellishments remain the responsibility of the Pious Work; the rector being, in essence, the custodian of the church, the canonry, and its appurtenances." - Because it is expressly stated in this article that the benefits are assigned "as compensation for all the obligations inherent

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in the canonry," the capitulars point out that among these obligations, the obligation to pay the sum of 32 *lire* to the chapter should also be included. All the more so, as, as we stated above, the capitulars point out that "the honorarium of the canon is L. 850, with L. 47.88 for the anniversary and the title, which represents an amount of L. 55.36 which does not appear, because it seems to have been added only to continue the annual payment to the chapter."

[*Latin ed. p. 421*]

FESULANA 421 Having considered these matters, it is evident that, on the one hand, the canonical title of St. Ansano has been settled [in book 32], and that no reimbursement for expenses has been received from the pious foundation; and, indeed, since 1879, or since the establishment of the organic statutes, such reimbursement could not have been granted, nor could it have been hoped for. Thus, all elements seem to conspire to establish a claim of prescription. For prescription is a legal institution, naturally ordered to remove doubts in matters of property and the enjoyment of rights, so that disputes and disagreements may not become almost inextricable, as Vigilanti observes in chapter "De praescriptione." "For the Ephusian legislator, solely in order to avoid the negligence of the unfortunate and the confusion and error of a long time, first gave force to the law with a thirty-year or forty-year prescription." The law of prescription, therefore, aims to avoid the negligence of the unfortunate, for each person must be vigilant in guarding his rights, as the law provides. For this reason, the laws, or rights, assist those who are vigilant, not those who are asleep. Hence, prescription arises to remove the confusion and error of a long time; for after someone has been in possession of a thing, or has enjoyed a right, for a long time in good faith, especially when a valid title is present; which, in this case, no one will say is lacking, if the matters mentioned are considered, namely, that there has been a certain increase in revenues derived from the canonical tithe of St. Ansano over time, which appear to have been granted to bear a new burden of the disputed settlement; undoubtedly, all the elements necessary for prescription are present in this matter, namely, good faith, a suitable object, continuous possession for a long time, and a valid, albeit presumed, title. By "long time," we understand the period according to the law of the Universal Code on usucaption [acquisition of property by prescription], trans. form.; thus, in § 1 of the Institutes on usucaption, it is stated: "It is provided that movable property may be acquired by prescription in three years, while immovable property may be acquired by prescription through long-term possession (that is, ten years in the presence of the owner, twenty years in his absence)." We consider the disputed annual payment of money to be an immovable thing, as in

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Clementine.

[*Latin ed. p. 422*]

422 FROM THE HOLY GENERAL COUNCIL of Baai § Therefore, concerning the sign of the Word, it is decreed: "And whatever annual revenue is considered among the immovable properties by law." Having considered these matters, the question was raised as to how the Doubt should be resolved. I. "Whether the annual sum of 32 livres should be paid by the canon of the title of Saint Ansane in this case. - And this is to be answered in the negative. II. Whether and how the money improperly paid should be repaid in this case. RESOLUTION. The Holy Congregation, after deliberation on January 31, 1903, decided to respond: To I. Affirmative. - To II. Provision is made in the first. FROM THE HOLY CONGREGATION OF RITES in PLACENTINA; it is permitted that, up to this point, the proper historical readings may be recited in addition to the readings from the Common. UNPUBLISHED DECREES. The Cathedral Church of Placentinae, with its antiquity, its great size, the nobility of its structure, the purity of its Lombard style, surpasses all other sacred buildings in the upper part of Italy. Considering this, and recognizing that His Most Reverend Lord, John Baptist Scalabrini, Bishop of Placentinorum, with mature deliberation and the assistance of expert artisans, undertook the restoration of this temple, in order to return it to its original appearance. And this work was happily completed in the year preceding, and, together with his Most Reverend Chapter, the Most Holy Pope Leo XIII, with humble prayers, was asked to grant that, on the anniversary of the dedication of his Cathedral Church, the proper historical readings, in addition to the readings from the Common, may be recited in the future, for which a schema was most humbly submitted. However, this schema, after some delay, was presented to the committees of the Holy Congregation of Rites, and...

[*Latin ed. p. 423*]

Having been informed of the matter on the designated day at the Vatican, the Most Reverend and Illustrious Cardinal Lucidus Maria Parocchi, Bishop of Porto and Santa Rufina, as Relator, proposed; and the Most Reverend Fathers, Prefects of the Sacred Congregation for the Propagation of the Faith, having carefully considered all matters, and having heard the Reverend Father Alexander Verde, Promoter of the Faith, decided to write to the Most Eminent Pope, through the Promoter of the Faith. On December 2, 1902. After the final revision of the aforementioned readings had been completed, and after all these matters had been presented to His Holiness Pope Leo XIII by the aforementioned Cardinal, Prefect of the same Congregation, His Holiness, approving the judgment of the Sacred Congregation, has, with supreme authority, graciously approved the aforementioned historical readings for use by the entire secular and regular clergy of the Pla-

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centia diocese on the feast of the Dedication of the Cathedral, for the future. Contrary to any and all objections. On the 16th day of the same month and year. D. L. * CARD. FERRATA, Prefect of the Sacred Congregation. D. PANICI, Archbishop of Laodicea, Secretary. In the Breviary, at the end, after the Common of the Saints, there is an Office for the Dedication of a Church, which is entitled: Common of the Dedication of a Church. Gavantus (Section 8, at the beginning) notes: "The Common contains those things which are necessary for the canonical hours, when proper hymns are not used on feasts..." which is consistent with the general rubric (Title XII, n. 3) which states: "One must always refer to the Common..." where everything is arranged according to the nature of the feast, except for those things which have their own proper readings. And elsewhere (Title XXVI, n. 2): "In the second nocturn, three readings are to be read... if proper readings are not available, readings from the Common are to be read." This law is applied very frequently, and almost always, for the feasts of the Saints, but nothing prevents it from also being applied for the anniversary of the Dedication of a Church; indeed, it is very fitting and appropriate. Guyetus (Heorthol. I, c. 3) aptly notes that the Dedication of a Church is truly its Nativity, and cites St. Leo (Serm. de Machab.); therefore, if readings are read on the nativities of the Saints, it is fitting that...

[*Latin ed. p. 424*]

424 FROM THE SACRED RITUAL: Concerning the history of churches, it is very important, when dealing with any notable church that deserves to be remembered, that readings be included on the anniversary of its dedication. Examples are not lacking in the Breviary; we have accounts of the dedications of the basilicas of the City, namely the Lateran Palace, the Vatican, the Liberian, and the Ostian; as well as in the Proper of the churches of Saint Mary in Cosmedin, Saint Mary across the Tiber, Saint Mark, and others. Furthermore, it is not uncommon to grant readings for the second nocturn for the dedication of a cathedral, for the Sacred Roman Congregation has granted them, as can be seen from the aforementioned Decrees, for the cathedrals of Mutina, Vercelli, Vesuvius, Cologne, Assisi, Praenestina, and most recently for the cathedrals of Naples and Monte Cassino, as well as for the basilicas of Saint Mary of the Angels and Saint Francis of Assisi, and for the very ancient church, the Tower of Saint Benedict, in Monte Cassino. Moreover, when the cathedral of Piacenza, having been restored with great care and expense to its original form, was solemnly dedicated in the twentieth century, the Bishop and clergy submitted three readings, which present a concise account of the origin and vicissitudes of the church of Piacenza, to the Sacred Roman Congregation, and obtained approval for this through a Decree. The granting of such readings, as consonant with the spirit of the Church, is most fitting and by no means new, and is not denied by the Sacred Roman Congregation, when there are sacred memories worthy of

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being remembered, and when the excellence or dignity of the dedicated church warrants it. How many illustrious churches have lost the memory of their origin, their dedication, etc., which could not have been lost if their own proper readings had existed for that anniversary!

CONGREGATION OF THE BROTHERS OF THE CHRISTIAN SCHOOLS: It is asked whether chaplains or fixed priests, who reside among these Brothers, are obliged on the feast of Saint John Baptist de la Salle to recite the proper office.

R. Father Robustianus, the General Procurator of the Brothers of the Christian Schools, humbly requested a solution from the Sacred Congregation of Rites regarding the following doubts: By Apostolic concession, the Congregation of the Brothers of the Christian Schools has been granted the privilege of celebrating the feast of Saint John Baptist de la Salle, the Founder of the same Congregation, under...

[*Latin ed. p. 425*]

From the Sacred Congregation of Rites, 425: According to the rite, it is celebrated with a double first class feast, along with the Octave, with the Office and a proper Mass. However, since the aforementioned Brothers of the Institute are not strictly bound to recite the canonical hours, and they have, or have appointed, fixed chaplains, designated by the Ordinary, who reside in their houses to perform ecclesiastical duties, and also priests who serve a parish, or as assistants, or who enjoy some ecclesiastical benefit, occupy the position of chaplains in the houses of the Brothers, and perform sacred functions there, and administer the Sacraments, the following question arises: Are the aforementioned fixed chaplains, or priests acting as chaplains, obligated to recite the Office proper to the aforementioned Congregation on the feast of and during the Octave of St. John the Baptist de la Salle? And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and after a careful vote by the Liturgical Commission, decided to respond as follows: Neither the first nor the second chaplains are to be obligated in this case. And thus it responded: On January 23, 1903. S. CARD. CRETONI, Prefect of L. & S. f D. PANICI, Archbishop of Laodicea, Secretary. In order that the disposition of this Decree may be properly understood, it must be noted that, in the inquiry made to the Reverend Father Robustiano, Procurator of the Brothers of the Christian Schools, no mention was made of a public church erected in their houses, and administered by the Brothers themselves. Therefore, if we are speaking of a chapel within, or even of a semi-public oratory, the fixed chaplain, or one who takes his place, should neither celebrate nor recite the Office of St. John the Baptist de la Salle. He should not celebrate, because he is not bound by any canonical title, such as a benefice attached to a particular church; he should not recite, because in this case, the chaplain is not equated to a priest assigned to serve a particular church, according

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to the Decree of the Sacred Congregation of Rites, 3431. Therefore, he must recite the Office, according to the calendar, 8.

[*Latin ed. p. 426*]

426. According to the established custom of the diocese or religious institute, even on the feast of Saint John Baptist de la Salle, the Mass may be celebrated only in the chapel of the aforementioned institute. However, if these Religious possess a church, truly public, annexed to their own houses, and belonging to them in some way, as is the case in many places, then the priest in charge of that church, according to the general decree 4025, shall celebrate the feast with the Office of the second class, with an octave, not only of the titular saint of that church (and of the dedication if it is dedicated to a particular saint), but also of Saint John Baptist de la Salle, the Founder; and therefore, according to another decree 3936, he will take care to insert appropriate variations in the calendar according to the rubrics. It is proven that this feast should be celebrated with the Office and Mass by the chaplain or rector of the church, 1st, by canonical law. In the Roman Pontifical (De Eccl. dedicatione), the following words are found from the Bishop to the founder of the church being dedicated: "Know, most beloved brother, that the laws of the Church do not permit churches to be consecrated without ministers and furnishings; therefore, it cannot be conceived in law of a church without a priest in charge. And since the rector of a church is obliged to celebrate the feasts instituted therein according to the rubrics and several decrees of the Holy Roman Church, therefore..." 2nd, it is proven by the Apostolic concession granted to the aforementioned Brothers of the Christian Schools, by which it was permitted to celebrate the feast of Saint John Baptist de la Salle, the Founder, with the Office of the second class, with an octave. But by whom should it be celebrated? Not by the Brothers themselves, because they cannot receive sacred orders and recite the canonical hours, as is required by the law of their Institute; therefore, by the rectors of the churches which these Brothers may possess. Thus, understanding this decree with the best judgment, it should be understood. Notice. To us, who hold an honorary office requested by a higher authority, we recall to the memory of the Most Reverend Bishops, and then to the Rectors of Churches (especially of the city, which is renowned by word and example), the following decree, issued by the Holy Roman Church on May 9, 1893, in Rome, in the collection of Dubia, no. 3798, questions 1 and 2; in particular, regarding the latter part: "Question I. — Can a titular Bishop, who has no jurisdiction, solemnly assist at a Mass being celebrated by another, as the Ceremonial permits for a diocesan Bishop?"

[*Latin ed. p. 427*]

FROM THE SACRED RITUAL, 427: "Question II. – Does a titular bishop, lacking jurisdiction, have the right, as a diocesan bishop, to

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solemnly perform the blessings of the Candles, the Ashes, the Palms, and the Font, which are customarily performed on their respective days, and also to grant absolution at the tomb, while himself celebrating Mass?" Answer I. Negative. – Answer II. Likewise, Negative. Furthermore, another decree of the Sacred Congregation of Ceremonies, addressed to the Rectors of churches in the City, dated May 23, 1902, paragraph VI: "The rite of absolution, after a Mass for the Dead celebrated by a bishop or priest, is not to be performed by a Cardinal of the order of bishops or priests" (for Deacons, although possessing the sacerdotal character, are not permitted, at least in the City, to perform priestly functions), "unless when funeral rites are being performed for the Supreme Pontiff, or for a Cardinal Father, or for a Catholic Prince; or also when a more solemn commemoration of all the faithful departed is being held; or for a very important community, or for a public and truly lamentable event, provided that all the aforementioned precautions are observed, regarding the dignity of the ministers, their expertise, and the type of chant."

VALENTINA. Concerning the Beatification and Canonization of the Venerable Mary Michael, foundress of the Congregation of the Handmaids of the Most Holy Sacrament and of Charity (1). The Judges of Valencia, anxious and tormented by scruples, again summoned the witness John Vinader from Zaragoza, and in this, I greatly admire their devotion to the highest principles of religion. However, it is not permissible to infer that the examination of the witness was conducted hastily. For in this instance, what the Judges of Valencia established was that the examiner, during the examination of the witness John Vinader, discovered certain contradictions. Not that they were blatant: but "apparent," as the Judges themselves explained. And I am not surprised that, while the witness states that the Venerable departed this life in an angelic manner and that she was certainly granted a blessed vision, he does not yet consider her worthy of the heavenly honors of beatification. For scruples, beyond all measure, torment him.

(1) Recole, Vol. XXXV, page 292.

[*Latin ed. p. 428*]

428 FROM THE HOLY GENERAL OFFICE, it is clear. For many, and not just ordinary people, who, deceived by a false opinion, place the image of sanctity entirely in human powers, and consider that no mortal should pursue it. Therefore, as the testimony of John Vinader vividly demonstrated the absolute impossibility of perfect sanctity; indeed, the angelic virtue of the Servant of God shone forth, and she felt that her own sentiments were being hindered from being rightly manifested. Now, let us turn to the witnesses from Madrid, of whom three were censors, namely: I. Maria Alvarez de Bolorques, Duchess of Gor, who omitted certain details: but what details did she omit? "Some small circumstances." Why did she omit

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them? "Either due to distraction or brevity." But if the Praetor does not concern himself with trifles; and if good faith must always be presumed, why is Maria Alvarez being reprimanded? II. Bernardina Rodríguez: but indeed, undeservedly. For although "she might have declared more fully and extensively about the virtues of the Servant of God," and she omitted nothing, the censor cannot legitimately complain. On the contrary, it would have been a just cause for complaint if we had lost something, while the censor accused the virtues, and praised the faults. But why did she not declare all the virtues? "Lest she appear to be excessively zealous, or troubled by scruples, or exaggerating!" Is not this an excuse and a legitimate one? III. Hermenegildo Sancho, because "he seems to have mitigated too much the culpability that the Servant of God could have had." From the entire statement, it is clear that the witness did not mitigate the Servant of God's fault, if indeed she had any; for she was immune from all fault. But the witness should be excused for mitigating her fault, more or less: for she is not to blame for her own cause. Furthermore, how much faith is there in Hermenegildo himself, or do the judges indicate if they say "that he declared the truth and sincerely, as did the others (witnesses)?" Moreover, there were no disputes, but rather: "the witness did not allow the Mother Superior of the Most Holy Sacrament to be dragged away by acts of anger or pride: ... but it is certain that she had her own vehement and lively imagination, so that perhaps it happened that, when I tried to place one of her protégés in a Convent, she wrote me a letter, in which she said that she had divided my penances among other confessors, according to the desire that she had previously manifested to me; but from this it resulted that she..."

[*Latin ed. p. 429*]

EX. "S. G. RITUUM" censuit, quod Serva Dei, in alio casu, quam in hoc, primum ad domum collectae fuerat, non a Superiora. "Ipse Testis" dixit, Servam Dei in his controversiis bona fide ductam esse, et eius suavitatem et aequanimitatem laudavit; "et, contra, in hospitale S. Joannis Dei, occasione communionis generalis Servae Dei, cum nihil interposuisset, et sine ulla repugnantia, ad me appropinquit, mecum bene loquens, et orans, ut verba Dei ad incrementum gratiae dirigam, postquam infirmis et Sororibus communicavit." Num haec testimonia credenda sunt? Num non saepe inimicus pectore gratior est? Num non erat iste Sacerdos, et etiam Religiosus Ordini adscriptus? Num non iuramento veritatis se obligaverat? Num non purgatur affectio periurium, ut Pignatellus saepe docet? Denique, non me latet, quod Matritensis testis, juxta omnes formulas interrogationum, non fuisse perpensus. Non est, igitur, quem, imitatione praeteriti, omissionem proponat: quo maioribus cautionibus inquisitiones instituuntur, eo plus auctoritatis vindicant ipsi sibi. Censor, concedo, Matritensem Processiculum in hac parte minus perfectum esse: sed cum

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velipse candidus dicat: "haud inficior iure communi inspecto, quorumdam interrogatoriorum omissionem integrum testis examen irritum non facere," plura in hac sede dicere omitto, quae alibi fusi sunt, et discutienda. Accedit quod dictis horum testium in summariis tabulis composendis non usi sumus; non est, igitur, cur hisce quaestionibus longius Patres Emos detineamus. At Censor aliunde impetitet, quaerens cur, cum Serva Dei vixit in Matriti, exiles testes fuerint. At, parce, quaeso: quid est de quo quaerit in hac causa? Porro, de fama sanctitatis! At qui non a Pignatelli et Benedicto XIV traditum est: "fama de iureprobaturex ore duorum testium, qui sint spectata fidei?" Itaque, Matritenses testes, prouti perpensifuerunt, (si ceterideessent), nonne ipsi uni famae probandae sufficerent? Porro, in hac causa defamationis sanctitatis, novae inquisitiones institutae sunt: centum quindecim testes excussi sunt: immensa autem iudicialium tabularum moles novem voluminibus continetur. Fronte ipsa adiecti Summariorum, quotquam locupletes fuerint testes, primo oculorum coniecturam demonstrat? Quid amplius desideratur?

[*Latin ed. p. 430*]

430. The opponents of the Most Holy Religious Order object that the Handmaid of God was unjustly accused: we say no! "All the Saints and all the Saints have always suffered calumnies, and especially those who are most zealous for holiness and for the Church." What were the accusations against the Handmaid of God? They were those who, with their embraces, seduced the most miserable women, and thus led them to betray God. Hence, the fourth witness, Valentinus: "There is no doubt that the Handmaid of God founded and persevered in the foundation of the House for the Abandoned, solely for the glory of God and for the salvation of souls, because the world rose up against her, and a flood of insults was poured out upon her. I myself saw, from the sacristy and from the dormitory, in the first year, when I was with Mother Sacrament, that the abandoned women cried out: 'Death to the Viscontessa! Death to that madwoman! And that lost soul, who is worse than the girls, who gathers them in! She is the one who must repent! Let that one and that one be driven out!' – naming some of the girls who were housed there. The same insults, and others of a similar nature, the Handmaid of God heard in the hospitals and on the streets, and she received them with great joy, saying: 'How happy I am to suffer for the faith of Jesus Christ and for the salvation of souls.' The enemies of the Institution wanted to frighten us, throwing stones at us and making us very serious threats, and it was very often the case that the building was defiled with filth carried to the doors and windows. On such occasions, one could see Mother Sacrament redoubling her zeal, and she would embrace the unhappy women who were housed there, saying with eyes filled with tears: 'What must we do? We must suffer more for God's sake.' The same is reported by the seventh witness: "All the offenses made

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against the Handmaid of God were nothing other than the work of hell." And the tenth witness: "She was treated as a madwoman, and even it was said that she was not of sound mind, and that her intentions were not good, as she sought to gather the Abandoned. Especially, the people to whom she was taking the victims of their wickedness, insulted her in the streets and in the squares, and they renewed the threats that they had already made in the Houses, at the doors of the same." It is publicly and notoriously known that she bore those vexations with holy resignation... She never lost her peace of mind because of them, saying: 'Even if it were to save a soul and prevent a single mortal sin, I would consider it well employed.' The fourth witness, Barcinonensis, also saw: "I saw several times in this capital, and also in M-"

[*Latin ed. p. 431*]

From the Sacred Rituals, 451, it is reported that she was shamefully insulted by some people who demanded that the young women, who sought refuge in her Institute in order to abandon vice, be given up. In all these occasions, the Servant of God displayed extraordinary serenity (although saddened), extraordinary discretion, and firmness in defending the souls that were being attacked. Pope Benedict XIV said: "If some of the servants of God have not been esteemed because of the virtues of others, so great is the diminution of sanctity that it could even be said to have increased... If any animal or man does not perceive these things..." the same judgment must be rendered concerning them. The censor asks why some of those who opposed her were not judged. Indeed, Pope Benedict XIV said, "It is not to be heard, for it is a malicious or vindictive opposition to canonization." And St. Thomas said, "It is made probable that someone is not firm in giving truthful testimony... either through a defect of reason... or through affection... as is evident in the case of enemies." Given this age, in which all good men who bravely persevere in the difficult path of virtue are often attacked, what is surprising that the Servant of God should also have been attacked? For it is a lofty and sublime thing for a woman to concern herself with those women who have been immersed in the most abject circumstances, to care for them, to encourage them, to cultivate them, to lead them to God; and what a work of redemption that is, how much it is worth, and what fruits or evils may flow from it – these things are not perceived by every animal or man, and some are even pleased to mock the high and rigid virtue. Why, therefore, does the censor desire to suppress these writings? For he has written too much (as Pope Benedict XIV believes), and is "like a witness who is repelled," indeed, "is to be completely rejected." This priest, with the wisdom he possesses, always shows how much contempt he has for "these voices (as Cicero says), contumelious, rashly emitted by an angry accuser, without any authority." Were not the famous and widely published writings of Blessed Margaret of Alacoque

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and of Claude de Colombières, concerning the worship of the Most Sacred Heart of Jesus, bitterly ridiculed? I beg you, Fathers, let the facts be brought forth, so that you may see how much renown the Servant of God possessed, and then you will judge whether in this case "the reputation truly originated from serious, honest, and trustworthy people, and not from those who were interested." Given that these things are so, it is entirely to be rejected, "rumors and testimonies, without a judge... malicious, deceitful... from which evil originated... to which no one innocent could have been exposed, spread by the fraud of enemies."

[*Latin ed. p. 432*]

432 FROM THE SACRED CANONS OF RITUAL: That the Most August Queen of Spain, and that the Archbishops have given a brief testimony, this does not displease the Censor; but it could, indeed, be reprehended. The exalted and singular dignity of those present does not permit them to be detained by lengthy judicial formulas. Even if they have testified with a shorter declaration, they have nevertheless said so aptly that they have greatly contributed to proving the fame of sanctity. If Father Eugenius Libarta, eighty-three years of age, who had been a confessor to the Handmaid of God, said, "The memory of that which he knew during her life is very weak," what does it matter? Indeed! It is in human nature, and even Pope Benedict XIV, speaking of witnesses, plainly stated: "The memory of men is frail"; and the jurists: "The elderly are not compelled to give testimony," so that it may be clear how much allowance should be made for old age. This is true. And if all these things, even these small things, were to be brought forward as a testimony to prove the fame of sanctity, the Fathers would easily understand how aptly and suitably they are suited to the purpose. — Whether John de Deo Montanes gave a more extensive or a briefer testimony, I do not care; for, as the Judges themselves openly stated, "He was a man of the strictest conscience... filled with awe by the gravity of the oath." Finally, and although Emmanuel Drouard said that very thing (as the Censor objects), "that he held the Handmaid of God in the concept of great virtues and of much love for God," I, and the Censor, are grateful. For do not these words contain all that is most fitting and suitable to prove the highest fame and virtue? And if the witnesses, who speak more extensively about the Handmaid of God, are members of a Sodality, there is nothing to be admired; indeed, in a certain sense, it is necessary. Therefore, Contenolus states: "Religious and nuns best prove the causes of Servants of God of the same Order: for in no other way can the deeds of a Servant of God of any Order be better known than by those religious who live with them." This, it seems, the Censor admits; but he opposes the devotion shown towards the Handmaid of God. What? Are they not sworn? For Pope Benedict XIV said: "No suspicion of affection should be made: for that is purged by the oath." Are they not many? Because Pignatelli believes

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that greater faith should be placed in witnesses when more of them have testified. Are they not members of a religious Order, and therefore, are they not of the highest integrity of life? Furthermore, Pope Benedict XIV himself declared: "The sanctity and perfection of religious men concur, so that..."

[*Latin ed. p. 433*]

FA S. C. tllTUUM 4 53, it is presumed that they are speaking the truth. Indeed, do not the statements of these witnesses, compared with the statements of other witnesses, who were not of the same Order, agree perfectly and appropriately? The Censor, with great zeal for the honor of the Handmaid of God, has objected that one or two of them have said: "She will give her life entirely, because the aforementioned beatification of hers will be realized." But, if I may speak plainly, Censor, one must use hyperbole in speaking, as the Sacred Scriptures and Saint Thomas state: "Often words seem to exceed the truth, which happens when something that is evident is either increased or diminished, and yet the truth is not missed, because in such cases, the words, as they are expressed, exceed the will of the speaker, but do not appear to be deceptive." One or two witnesses have said, I do not deny, "She will give her life entirely because the aforementioned beatification of hers will be realized," and "She desires her beatification with all her soul." Would that all had said so! What is the matter, then, in the cases that are being considered by this Sacred Congregation? "For the honor of the entire Church," says Pignatelli; "For the works and miracles of God," affirms de Matta. Surely we would not prohibit witnesses from desiring the honor of the Church, or from vehemently desiring the works and miracles of God? The Censor has seen that the witnesses of the Handmaid of God have exaggerated her virtues, and that, although the aforementioned passage may have been harsh, it was nonetheless so worded as never to tear away the modesty of the most humble. What is it that seems to exaggerate and to indicate too great zeal? Rem explains this most skillfully: "Just as a man is said to be different in childhood, different in the perfect age of manhood, and the latter state is uniquely the state of perfection in a man, so in the spiritual life, there is one perfection in beginning, by which all that is contrary to charity is excluded, as being incompatible with itself, namely, mortal sin; there is another perfection of the progressing, in which charity is strengthened and increased by the exercise of virtues; there is a third perfection of the perfect, in whom, purged of sins and illuminated by virtues, the man is united to God alone through charity, estranged from all created things, firmly adhering to Him with the purest intention, in prosperity and adversity." With these things established, if in the Handmaid of God anything was distinguished, the sentiments of the witnesses will be entirely consistent. Certainly, "she had an austere, lively, and energetic character," which I am not one to deny; but in the Acta, Vol. XXXV, page

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CDXV, 28.

[*Latin ed. p. 434*]

454. The principal characteristic of the sanctity of the Servant of God, by which she shone, was undoubtedly her temperance. Moreover, her soul, through constant effort, gradually attained this principal virtue, and this virtue became, as it were, a certain ornament to her life, bringing with it complete tranquility and freedom from all disturbances of mind and body, a quality which Tully greatly praises in his writings. As Schram has observed: "Passions are not only different, but also often harmful; it is easy for one or another, or indeed for many, to fall into excess." Therefore, through reason and piety, they must be completely restrained. The Servant of God not only restrained her passions, but even transformed them into a greater good: "The Sisters frequently said that Mother Sagramento had greatly moderated her natural inclinations, and they admired this change in her character, attributing it to divine grace, saying: 'What a great grace our Lord has bestowed upon her!' Other Sisters, speaking of the same subject, asserted that without the energetic character that distinguished her, and without that saintly intolerance with which she corrected abuses, however small, she would not have been able to found the Institute." And indeed, other witnesses confirm this: "The Servant of God had a strong character... she was severe, but very courteous. In the later years of her life, however, she was seen to have changed so much that she did not seem to be the same as before." And also: "Day by day, it was seen that the dominion and moderation with which the Servant of God subjected her senses increased." Furthermore, in the Servant of God, that which is said of St. Francis de Sales is confirmed, to whose example she was very close: "Francis de Sales (as Rorhbacher says) was naturally impetuous and irascible. Through constant study of gentleness in the school of Jesus Christ, he became the most gentle of men." Given these things, anyone can easily understand how much faith there is in the accounts given by those who knew the Servant of God. The autobiography of the same Servant of God, as noted by the most diligent *Fidei Vindex* in *Theologi Censoris*, confesses that he had vainly desired to refute it. But are the causes for rejecting it not to be subjected to scrutiny? Does it not have evidence in the process? Does it not deserve consideration? If anything were to be rejected, let it be presented, and we will discuss it. It would be wrong to deny any validity to that autobiography! For Benedict XIV decreed that "the power of proof must have the efficacy of revisions, appearances, and..."

[*Latin ed. p. 435*]

From the Sacred Congregation of Rites, 435, those things which the Servants of God report as having happened to them... "I would also consider it necessary to mention other things, which, although only the testimonies

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of the Servants of God can fully confirm, nevertheless, from other documents, their heroic virtues are evident." I will say nothing of the spiritual testament, since it has already been presented. The commentary on the life of the Handmaid of God, by Vincentio de la Fuente, published in Madrid in 1884, although more recent, the censor should carefully examine it. It is not unknown to me that Pope Benedict XIV generally did not admit recently written accounts; but his opinion seems to pertain to ancient causes. It is, indeed, reasonable that the author should be of an age when the Servant of God lived, so that he may be more certain of the events he recounts. But in the case of the Servants of God who lived recently, how can the oldest historical accounts be desired, given the very nature of the matter? And Paul warns us when interpreting laws: "one must always consider what is most likely." Indeed, Pope Benedict XIV himself teaches that the validity of testimonies can legitimately be derived even from more recent books, "if the life has been written by an approved author, even if recent; if nothing is found there that is not in conformity with what has been presented and proven in the process, etc." Therefore, everything is arranged so that the author of the life defends his integrity and doctrine; but how much Vincentio de la Fuente defends his faith can be conjectured, since his work has been recognized by episcopal authority, and everything that he presented in the book is perfectly consistent with the statements of the witnesses. But whatever may be, we must summarize in this commentary what is essential: we have taken care to insert the book itself in the tables of the inquiry, so that greater light may be shed on the matter, if necessary: this plan, indeed, seems worthy of consideration. The censor argues that the omission of "many supernatural things, which it was not fitting to publish," from the same commentary, which were contained in the manuscript, gives rise to a serious suspicion that there may be something hidden among those gifts that seemed to be alien to sanctity. But from the very words of the author, it is clear that the passages that were omitted are very far from the vices of Trajan, which Pliny omitted in his panegyric. Only "supernatural things" were the subject. Therefore, the matters were...

[*Latin ed. p. 436*]

456 FROM THE SACRED RITUALS: The fault does not lie in the charisms themselves, but in the ignorance and impiety of the unlearned masses, who in this our age, with their sharp wit, mock all things sacred. If the eyes of the people were sufficiently cleansed and accustomed to contemplating divine mysteries, nothing would prevent the dissemination of every donation. Concerning the reputation of sanctity. The most noble cause is forbidden to proceed, as the Censor commands, because sometimes virtues and gifts, which were bestowed by God, are interrupted. It is argued that the Handmaid of God has experienced this. What reason should be given for this, teaches Benedict XIV: "Sometimes the servants

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of God have described their lives, narrating commendably the things they have done, and omitting the charisms and gifts bestowed upon them by God; others, although they have not written these things, have nevertheless recounted them." To determine whether such a judgment is permissible, "the words spoken must be carefully examined... and it is possible to infer from the context what the speaker intended... All must refer to the highest end, which is the glory of God; therefore, one must investigate the intentions... if they are related to the glorification of God, then it is certain that the work has been pleasing to God." What of the Handmaid of God? As she herself commanded to be written, "that she was accustomed to remaining for a long time in prayer before the Most Holy Sacrament of the Eucharist, and that she spent very little time with her mother, and that she had never given her a displeasure, nor the slightest disobedience": but if, considering the cause for which this was written (as the words of Benedict XIV themselves state), "no legitimate suspicion can arise of ostentation or vainglory." For, "Father Complido (a member of the Society of Jesus, who was his confessor) ordered him to write in his favor, that the Lord had bestowed upon him, as well as the penances that he made." Therefore, just as she fixed in her memory the benefits of God, Mary Michael, following the example of the holy men, recounted the history of the founding of the Institute and its prosperous outcome in a brief prayer. The narration begins with her childhood, confessing with great innocence and candor what good and what evil seeds were inherent in her, so that it might be known how much God had bestowed upon her, and she praised Him with these words: "because He has done great things for me, He who is mighty and holy." Furthermore,

[*Latin ed. p. 437*]

From the *Rituale Romanum* 437, it becomes clear from the very history and its preface that this is indeed the case, if we consider what is stated there: "I did not write to recount my life, but rather the manner in which the Lord, without my knowledge, arranged things so that I might one day accomplish His holy purposes. I will tell something of my life and customs with all sincerity, so that you may see that it did not begin immediately, nor with a miracle, breaking the common and natural order, nor even with repentance, but rather gradually and in a simple way, without anything in my life deserving special mention." Therefore, the Handmaid of God did not reveal anything that would fully explain her character and disposition, does it not appear that she did this very thing, and that greater wonders of God were manifested in this humble woman, and greater honor and praise accrued to the Author of all good things? We must consider and judge what the Handmaid of God of Ávila wrote to her Abbot: "The Lord assures me: I will not have temptations of impurity; this promise I have fulfilled for eight years." To whom did she write this? Why? How? She wrote this to Michaela,

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a young woman who was her spiritual director. She gave an account of her actions to this Handmaid of God, and she was accustomed to confess all the heavenly gifts that God had bestowed upon her with the utmost reverence. "To the Most Reverend Lord Bishop of Ávila, who was the Most Reverend Father Ferdinand Blanco, the Handmaid of God gave an account of her conscience with the permission of the Most Reverend Father Claret." Certain passages from these letters have been included in the records of the judicial inquiry, and they clearly confirm this; nevertheless, it is worthwhile to present further words of the Handmaid of God, so that it may be more clearly understood how humble was the spirit of the one who wrote: "If you were to see me soon, you would die of shame considering how frankly and without veils I tell you what is in my soul... When I write to you, I lose sight of the subject... I tell God what I write to you... I will tell you in secret, so that you may praise God and see how the Lord overwhelms and confounds me with His benefits. I do not know how to do it, nor how to repay it, nor how to guess what He wants... I am saddened to think of the impure thoughts of people, both inside and outside the home. The Lord assures me: I will not have temptations of impurity, and for eight years I have fulfilled this promise! It always amazes me to contemplate His fidelity!" Do not these words, indeed, breathe a spirit of profound humility? Do they not reveal an extraordinary desire for...

[*Latin ed. p. 438*]

438 FROM *S. C. RITUUM*, they demonstrate what is being celebrated. I send to you, most holy fathers, those who, having sometimes received from God the excellent gift of chastity, and having clearly demonstrated it, have spoken thus: on this matter, I will say a little more below. It is fitting to consider that Mary, the Mother of God, was most carefully designed by divine providence to found an Institute, not of any kind, but one in which women who have been led astray might rise again and have a safe refuge. And furthermore, that the greater the safeguards of chastity that she offered, so much the more grace she received from God, the Abp. of Abulensis testified, so that she might be praised. Concerning him, St. Thomas says, "He who gives, also gives the power to give." But the Censor: The handmaid of God manifested her gifts to the sodalities, and sometimes revealed her virtues! I do not agree: but I will repeat what is in Benedict XIV: "It is not the case that, as soon as some good and outstanding works have been done by a servant of God, judgment may be passed, or a legitimate suspicion may arise, of ostentation or vainglory: rather, it is necessary to investigate the intention of the agent." For what did Christ say? "Thus let your light shine before men, that they may see your good works and glorify your Father who is in heaven," and this clearly applies to all men, and especially to those who are in monasteries. For they are, as it were, a lamp shining in the house, for all who are in it. Therefore, in order that the spiritual fruit of their

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actions may be greater, they do not prohibit, but sometimes encourage, the manifestation of virtues and gifts, so that greater glory may be given to the name of God; and so, with Benedict XIV, Abbot John said: "If I may present something that is perhaps more elevated, or even more free, I beg you to consider that it is not prompted by a desire for vainglory, but by a desire for your edification... I believe that something can be contributed to your instruction, so that, if you put aside humility for a little while, you may simply present every proposal and the truth." Similarly, St. Anthony "did not hesitate to communicate to his disciples the heavenly gifts that he had received from God; nor did he wish to hide anything from his spiritual children" (thus St. Athanasius). Concerning St. Ignatius, the Founder of the Society of Jesus, it is said in the readings of the Office that he was so clearly illuminated that he was accustomed to say, that even if the sacred Scriptures were not present, yet, for the sake of faith, he would recount the things that the Lord had revealed to him in Manresa. Also, concerning St. Dominic, it is said that, as he was dying, he said to the members of his sodality: "My brothers, beloved..."

[*Latin ed. p. 439*]

From the Sacred Ritual, number 459, it is stated that virginity, preserved inviolate, is a singular gift from God, and that if you also cherish it, your reputation for purity will be greatly enhanced. In the case of Saint Philip Neri, it is said: "Philip constantly preserved his virgin chastity, as he himself demonstrated to Francis Buccae, his son in Christ, in order to lead him also to chastity." And the Apostle Paul "instructed his disciples by speaking of what he had done." Therefore, as Dante says through Pope Benedict XIV: "I say that it is necessary to speak of oneself, when speaking of oneself is of great benefit to others." Therefore, with Pope Benedict XIV, I conclude: "Up to this point, the examples cited confirm what has been said: if anything was lacking in those examples, either a suitable occasion or a cause, then the spiritual benefit to the listeners should be sufficient." If you compare this with the actions of the Handmaid of God, there is nothing to reproach, but everything to praise. However, all of her words must be referred to the Institute that she founded, and if we call upon her mind and spirit, great terror will ensue. What she proposed for the Institute, as we have already said, was to gather women who were a disgrace to men and a reproach to the people, whom civil society had rejected, and to encourage them with a brilliant example and constant exhortations to turn to salutary repentance and to restore them to civil and religious society, even if they had been driven out by filth and squalor; to cherish them, to embrace them; these were the tasks that the Handmaid of God proposed for herself, to be celebrated rather with angelic than human praise. But in order to successfully achieve this very difficult undertaking, she devoted all her strength and resources. How stubborn and inflexible the female sex

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can be, how resistant to advice, is easily understood. It was necessary for the Handmaid of God to constantly converse with them, to gently persuade and influence them, "employing with them a certain severe tenderness." It was necessary for her to be an example of all virtues, so that those whose eyes were accustomed to ugly sights would, as Paul says, constantly see an example of good works in her integrity and gravity. It was necessary for her ears, which had only heard obscene words, not only to hear nothing impure or profane, but to become accustomed to the words of heavenly things. And since what is presented to the eyes has a great influence on the faithful, sometimes the Handmaid of God, when...

[*Latin ed. p. 440*]

440. The causes of these extraordinary events were necessary, so that, by adding more powerful incentives to the virtue of the subordinates, she might encourage them, following the example of David, who sang of the mercies of the Lord for eternity. Therefore, distributing heavenly gifts, she followed the footsteps of St. Ignatius, the Father of God, who "reasoned about things pertaining to him, in order to care for a suffering soul, and to console it with his advice, or to encourage his companions against the difficulties that they encountered." How much more, then, did she deserve to be praised for her service to God! And it must be said that her intention was not different from this: "Let your light shine before men, that they may see your good works, and glorify your Father who is in heaven." Hence, the illustrious words of Father Bartoli: "It belongs to the Providence of God to arrange that, for the edification of his Church, for the glory of his name, and for the merit of his servants, certain rarer effects of his grace may be manifested in them... The most natural way is to move and induce them internally to manifest them... And if the Spirit of God induces and compels the Saints to reveal themselves, even in great things, it is impossible that the spirit of vanity should enter; and therefore, the more they speak to a whole people, the more they speak to one or two persons."

It is easy to understand that the simplicity of the Handmaid of God, in manifesting her duties to those in heaven, was such that she was not, except unwillingly, and indeed only compelled by the duty of obedience, to speak. For, as those who heard her confessions knew how much spiritual benefit they derived from her, they ordered her, almost against her humility, to reveal the treasures of divine mercy. Witnesses report: "Her confessor had ordered her to recount the extraordinary events for our edification." Moreover, the most certain proofs of the meaning of these things are found in the humility with which the Handmaid of God acted. For, as Pope Benedict XIV teaches, "from other documents concerning the humility of a Servant of God, it is easily possible to judge that the things which she herself said were free from all pride and vain glory." Indeed, the Handmaid of God "considered herself the most sinful of the Institute. All the good works that

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she had done, she attributed to Divine Grace, saying that she could not, of herself, have accomplished anything, but rather, she observed silence."

[*Latin ed. p. 441*]

From St. Gertrude, we learn much. Although she performed every task with the greatest perfection, she never harbored the slightest thought of vanity. She said that God, our Lord, corrected her propositions and transformed evil into good, from which good could arise, even from the dispositions that He ordained for the proper management of the house. She considered herself the greatest of sinners, and she was ashamed if anyone spoke of her virtues; she attributed everything to the grace of God, and she considered herself a rough instrument that did not know how to follow the plans of the Lord. She considered herself the most imperfect of all creatures, saying that she did everything badly. She was so convinced that God worked through her that she believed her instrument, and for this reason, she attributed nothing good to herself. She frequently said that the greatest obstacle she had always had to overcome in order to carry out her work was herself, desiring that the said work belonged to God and not to a miserable creature. "She hoped everything from the Lord; nothing from herself." And also: "If humility were not another of the gifts with which Our Lord deigned to favor her in a superior degree, one would not see, as one did, numerous acts at every moment that revealed her profound and true humility, which, at the same time as they sanctified her life more and more, served as an example and a salutary teaching to those who desired to follow the paths of that holy virtue." Never was there found in her, "in words or in deeds, vain satisfaction and pride; rather, on the contrary, her humility was so great that she always considered herself the last of all." Furthermore, to the Fathers, who have written the lives of the holy men and women, to whom the Church of God is wonderfully illuminated, it is not surprising that wonders occurred, which are sometimes recounted by the servants of God. For indeed, it cannot be expressed how good the Lord is to the soul that seeks Him with hope. If the handmaids of God "arrived at money through unexpected means," it is not surprising; the history of St. Cajetana of Giuseppa is full of such examples. If, embracing the image of Christ crucified, she "clearly and distinctly heard the palpitations of the Heart of Jesus," it is reported that something similar happened to Blessed Coletta, who, while once pouring out prayers at the feet of the crucified Jesus in a Franciscan monastery, heard a voice in her lifetime: "This is your dwelling." And she was not deceived by this appearance, for the image of Christ...

[*Latin ed. p. 442*]

442 Having examined the details of the Saint's life more closely, one observes her humility. If Christ Jesus inclined His head over the breast of His

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handmaid, and sometimes offered her a glimpse of His divine countenance, surely we can find many similar examples in the lives of Saint Catherine of Siena, Saint Teresa, and Saint Rose of Lima. Indeed, the Handmaid of God saw "the Most Holy Trinity in the Sacred Host": but did not Saint Philip Neri say to his disciples, "that sometimes, during Mass, after the consecration, God granted him the grace to see the glories of Paradise?" On her journey, the Handmaid of God, eagerly desiring to dedicate herself to sacred matters, was presented with an angel, who led her to the temple. Were not the angels of Saint Stanislaus Kostka the ones who sustained the soul of that saint, who desired to partake of sacred feasts? Were the angels not like the Handmaid of God, solicitous helpers? What is surprising? It is said that "with her Guardian Angel, she maintained continuous communication... and she was always at His side... and sometimes He would run to her aid." Did not God command His angels to guard her in all her ways? However, since the Handmaid of God never sought praise for herself, but rather sought to moderate her actions and to ensure that greater praise might be given to God and greater benefit to souls, she sometimes revealed the gifts that were divinely bestowed upon her: for these gifts were of the same kind that are attributed to the most holy men, so that she should not seek to give herself praise, nor should she make her companions too simple or too easily believing. Her suffering was such that Sister Maria of Montserrat, who suffered greatly, recounts that the Saint was whipped in such a way that the lashes of the whip burned her skin so severely that they left marks like the impressions of fingernails. The witness states, "the reason I had my nails a little long was because they broke easily during the indicated operation... she (the Handmaid of God) had a very fine-toothed comb made of boar bristles... I began to comb her shoulder from top to bottom, as if I were combing wood... and I left her shoulder red like a tomato." The witness also states, "I brushed her... until blood spurted... and I pulled out her fingernails from her toes, dividing them lengthwise, and pulling them apart until I extracted them completely." This happened, according to the witness, "for many years." This kind of suffering is quite customary – not inflicted, but due to intense pain. Something similar is not seen except in martyrs.

[*Latin ed. p. 443*]

From the records of the Sacred Congregation of Rites, it is written. Has it been said that the Handmaid of God employed this particular form of penance in order to gain praise for her sanctity? But in her room, away from the eyes of others, she practiced this at night, with the Sister Mary of Montserrat, "a most angelic simplicity," present as a witness: and if one hears this, nothing is more eloquent of the humility of the Handmaid of God: "Those things (so Sister Mary of Montserrat), which happened from the age of sixteen onwards, I did not consider as penances or mortifications;

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firstly, because I did not yet know what penances were... secondly, because the Most Sacred Sacrament itself gave me to understand, and in my inexperience I believed, that certain things that I did were, in fact, a remedy... If I had known that they were mortifications, I would not have hesitated to offer them... The Most Sacred Sacrament undoubtedly assigned these things to my experience and ignorance of the Spanish language: for I spoke only French... therefore, She was certain on this point that it was not possible for me to relate to the people of the college the things that happened between Me and Her. Moreover, I remember that at that time I was very quiet, that is, secretive: a habit that I still retain."

Nor did the Handmaid of God employ that one particular form of penance: she bound her legs with scourges; sometimes she bound her waist and chest with a very tight linen cloth, so that the pain and tears were expressed from her eyes. But these things were seen by the eyes of others: and the witness did not exaggerate when she said: "Only a creature who lives for God and for God is capable of mortifying her body in such a severe and painful way as the Most Sacred Sacrament did."

If we are to praise the Handmaid of God for this very harsh form of self-mortification, what then of the other men, whom the Church, in accordance with the order of the Saints, has rightly inscribed? Saint James of Nisibis, as long as he lived, sat on the ground, clothed in goatskins. Saint Theodosius, Bishop, bound his feet and hands with a cilice and an iron chain. So emaciated was Saint Eusebius by fasting that his waist reached down to his feet. Did Saint Simon the Stylite spend his entire life on a pillar in order to gain glory? Did not the sanctity of Saint Peter of Alcantara manifest itself? He undertook very long and arduous journeys, always with a shaved head, and often barefoot, enduring heat and cold, so that, sometimes, with his head exposed to the rain and snow,

[*Latin ed. p. 444*]

444. "From the *Ratio Rituum*: 'The hair, frozen by the cold, would melt in the summer, and the head would be most grievously tormented; but when questioned, he would reply: "It is unlawful before God to walk with a covered head." What about Saint Rosa of Lima? 'She slept on a bed constructed of wood, stones, and rags, and a collar made of various pieces of wood chafed her neck. Her hands, which were tall and beautiful, were burned by a live coal. We shall say that Saint Philip Neri, in order to win the affection of the people, "danced in the square of Saint Peter in Vincula; he drank in the middle of the street from a barrel; he wore a fur coat in public; when invited to dinner by a Cardinal, he brought with him a pot of lentils; he went through Rome with a bouquet of broom flowers; he had his mustache trimmed, etc.?" Finally, what about Blessed Gerard of Maiella? 'Having accompanied certain young men, he had himself tied with a rope around his feet and dragged across a rough, stepped stone path, almost

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like a sled, from the house of the Carusi family to the place called "the cross," where he arrived bleeding, having torn his shoulders and head; meanwhile, at this sight, his companions wept, and he laughed.' And also: 'Gerard, in order to share in the torments of Jesus Christ, had himself tied and suspended upside down on a beam, and beneath him, he had dry rags soaked in oil burned, suggesting to those around him that he was suffering more than the rags, while, by doing this, he gave them great pleasure; indeed, one could read on his face the astonishment of the tormentors.' Let us recall the famous words of Cardinal Federico Borromeo: 'I seem to observe that the friends of God have, in every age, found for themselves certain new affections, and that this is not done by them without their own consent.' For we see 'that flowers and all things are born, which the earth produces with the heat of the sun, and from all things, one thing and another is produced. But this is what grace does for us: it gives one color to one, another to another; and it bestows different faces. Why, therefore, should we wish to assume the same color and the same form? The concord of wills and the similarity of nature are the characteristics of heaven, but not of this earth, which is always afflicted and wavering.' I also observed among the young women whom the Servants of God had gathered in their Institute, that there were some to whom the precepts of fasting and the humble contemplation of sanctity were not sufficient to lead them to virtue, but who required vivid examples, which would inspire them, restrain their impetuousness, curb their boldness, and tame their wildness."

[*Latin ed. p. 445*]

"They would corrupt human nature, change morals, and turn minds away from God in every way. But against this, the Handmaid of God was inflamed with a fervent and sincere zeal for piety, which demonstrated that there was nothing impure except for the fleeting, transient, ephemeral, and vain things that hasten towards death; but that all things in heaven are attained with eternal happiness. From this, the thought of death was constantly urged upon her: from this, heaven was held in view: from this, Christ Jesus, suffering on the cross for the redemption of the human race, was contemplated. It is not surprising that, considering this double purpose, it happened that the Handmaid of God recalled the memory of death in an unusual way. The exercises of military drills sharpened the martial spirit; but the diligent practice of the thought of death accustomed the mind more and more to the proper observance of death. As Saint Francis de Sales teaches: "Place yourself in the presence of God." And Saint Ignatius: "Let us represent our poor soul to God, our judge, by showing him, in his presence, the cold and lifeless body, all its possessions." Thus, the custom was repeated, as the Handmaid of God practiced it, to the benefit of her soul. "Before the main altar, she placed a black cloth, upon which she lay down as if she were dead, and she lit four candles around the cloth, and

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Sister Visitation, already deceased, read to her the recommendations of the soul." This practice, for herself and for the sisters, was worth more than many fasts and contemplations of death, according to that saying: "Things are more easily impressed upon the mind by the ear than by what is seen by the eyes, especially by those who are devoted." What movements of piety must have stirred in the hearts of the sisters who witnessed this, as Sister Helen of the Cross teaches us: "I remember that it produced in me a great fear the first time I saw this practice of devotion." And there is no just reason why anyone should avoid this custom, in which the latest Handmaid of God meditated. How much glory was gained through this study, which Sister Maria Philippa recounts with the utmost purity, clearly demonstrates: "The Servant of God, in order to pray with greater devotion, made herself a hermit in a desert, as she called it, in a room of the College of Madrid, very separate from the others, where she had a skeleton full of worms, a skull, figures of devils, a bench covered with bark of trees, which had in one of its ends a larger piece of bark in the shape of a headboard, and"

[*Latin ed. p. 446*]

446 FROM THE LIFE, adorned with rural simplicity. When she was in that room, no one could enter, and she would close the door with frequent haste. Nor did these examples of piety go unnoticed among the students, as a witness says: "I felt fear when I approached that room, in which I believed that the Servant of God was performing great penances." If the Servant of God thus aroused popular admiration, the same must be said of all the most holy men, who, contemplating death, kept in their chambers the skull or larvae of a dead man, still clinging to its bones. That the Servant of God was accustomed on solemn days "to kneel at the feet of her religious sisters... to kiss their hands and ask for their forgiveness" deserves special mention. Did not a man of greater sanctity, who followed more closely the footsteps of Christ, give an example when he washed the feet of his disciples? Similarly, "on one Friday, the Servant of God presented herself, carrying on her shoulders a very heavy Cross... and remained kneeling throughout the meal... with the Cross on her shoulders," thereby demonstrating more clearly the piety with which she was afflicted for Christ, and the unquenchable desire that her students be led to God through the example of her good works. Indeed, it is said that "a short time before founding the Institute," and as the students themselves relate, "this humility and penance produced such an impression on those present that everyone ate with tears in their eyes, and the serenity and tranquility of the Mother attracted everyone's attention." Furthermore, that during the days of the greater week, the members of the community in religious houses should carry a cross on their shoulders, is neither new nor unusual: in this city, the barefoot Fathers of the Most Holy Trinity commemorate this custom,

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in which a pious tradition has long been established. The profane and uneducated crowd is not fit to judge sanctity: therefore, do not be surprised that some "do not believe in the heroism of her virtues." Why do they doubt? Because, they say, "if these virtues were truly hers, the Servant of God would undoubtedly be a Saint!" But, I beg you, either I do not understand, or, if I do understand, this says nothing about human nature. Moreover, these very uneducated people believe that she is "a good Christian and that she observes the holy laws of God," indeed, "they do not know what is for the glory of God." What more can be said?

[*Latin ed. p. 447*]

FROM SACRED RITUALS 447: Is the reputation of sanctity to be questioned? The very witness who recounts these things ingenuously confesses that he did not hear from those men any "remarkable defects opposed to the sanctity of her life," that she "used her talents skillfully," and that she "later completely abandoned" [them]. But were those men unaware of the sentiments of St. Francis of Assisi? "Devotion must be practiced differently by gentle men, by artisans, by servants, by princes, by widows, by virgins, by married women, and not only so, but it is necessary to adapt its practice to the strength, the affairs, and the duties of each one in particular." And also: "Be careful, Philotea, that in you there is nothing that is either pretentious or ill-mannered, for this is to despise those with whom you converse; to go among them in an unbecoming manner... As for me, I would have my devotee and my devotee always better dressed than the company, as the saying goes, so that they may be adorned with grace, decency, and decorum. St. Louis says in a word, that everyone must dress according to their station, so that neither the wise nor the good can say, 'You do too much,' nor the young, 'You do too little.'" How noble and esteemed was the service of God's Handmaid, it is known to all: therefore, it was most fitting that she should maintain the dignity and honor of her condition. The witness who recounted the matter says: "Regarding the reputation of sanctity of the Handmaid of God, I can say that it was general among all those who knew her, and who truly and accurately knew the heroic virtues that adorned her heart." Likewise, when some spoke of things they had seen in God's Handmaid that seemed to contradict each other, the words "some mixture of the wickedness of society with the true spirit of God" clearly demonstrate. For where there is the Spirit of God, there is charity; where there is charity, there are all virtues and the manifestation of sanctity. Nor should the words be overlooked, with which the witness, referring to the sentiments of those men, comments: "According to me, I do not believe that there was anything in this that essentially prejudiced the truth of her virtues, nor the growth that she undoubtedly had in them." Finally, that "the secular people... considered her a woman of great talent, and the Religious Adorers... considered her a very virtuous person" is to

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be accepted with a fair mind. For those who live according to the rumors of the world are not always just estimators of virtues, which grow hidden in the cloister, like a lily among thorns.

[*Latin ed. p. 448*]

4. FROM THE SACRED RITUALS: The defamation of a parishioner concerns the judgment that is made about him, and therefore, in order to distinguish between reputation and rumor, it is necessary to consider the following: "Reputation is when the entire city or neighborhood asserts something about a person;... reputation is the assertion of the people; but rumor is only the word of a few." Furthermore, reputation gains strength: "Rumor quickly fades, because it originates from an uncertain source and is based only on suspicion." How much the reputation of the Handmaid of God outside the monastery prevailed is clearly evident. All the most distinguished men, who themselves were confessors, attributed much to her sanctity. A certain priest, renowned for his virtue, who had previously been the spiritual director of the Handmaid of God in Brussels, spoke of her sanctity. The same was felt by another priest, who had received the Handmaid of God in confession in Paris. But above all, the authority of the Venerable Handmaid of God Claret is noteworthy: "She communicated everything to her and told her about ordinary and special graces, which God, our Lord, granted to the aforementioned Father Claret. In all her anxieties, she would go to the Mother of the Sacrament to ask for her advice... Many of the people whom she confessed, she sent to consult with the Mother of the Sacrament." Moreover, knowing how much benefit the royal court could derive from the devotion to Saint Michael, she ordered that the saint be celebrated in the court, which she did with great zeal. The Queen truly and deeply felt the holiness of the Handmaid of God, as she often said that nothing that she undertook, with the prayers of the Servant of God, did not succeed happily and auspiciously. Therefore, out of a certain pressing fear, she always wanted to be near the Servant of God, so that she might find peace and tranquility. Every day, the Queen ordered that the Servant of God be brought to her, where, in the most secret chambers of the court, she would recite the rosary with her, and savor the sweetness of the sacred books. The Queen was delighted by the flourishing of the Sodality, and she encouraged it, and she reverently kept the rosary, which the Servant of God had used for so long. Furthermore, the Cardinal Fathers, numerous bishops, and other very distinguished men, also recognized the outstanding holiness of the Handmaid of God; among these, first of all, was Cardinal Cuesta, Archbishop of Santiago de Compostela, the Bishop of Salamanca, Arciniega, Mondonejo, Lluch, and Fortunatae, and Crespo of Toledo, who

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all "had a high opinion" of her virtues. (follows)

[*Latin ed. p. 449*]

FROM THE RITUALS, 441) The Prelate of Albulae called her "Saint Teresa of the 19th century," and the people said, "Oh, if only we had young people like her to serve at the altars." Indeed, she had so deeply impressed her contemporaries with her piety that her counsel seemed divinely inspired, and they followed her advice. To all of this, I can add Cardinal Father and Archbishop of Toledo; also, the Bishop of Trajanopolis, Cardinal Barrio, Archbishop of Granada, and many other citizens of every order, who are registered in the judicial records. It happened that even those of the highest rank, bending their knees before her, kissed her hands. From this, it came to pass that everyone devoted themselves to her work, and that her institute grew even amidst difficulties. Moreover, "The King of Spain, the Prelates of the Church, the most respectable titles of Castile, the most exemplary priests, and many other people, when they found themselves in some difficulty, wrote to her or visited her, reporting their temporal and spiritual needs, and begging her to intercede with the Divine Majesty and obtain for them the help of which they stood in need." And a certain witness openly affirms: "I have never seen any bishop, nor any priest, nor any religious, nor any person, treated, nor considered with such veneration and respect as was shown to the Servant of God." This fame for sanctity certainly adhered to the splendor of her virtues, so that the Queen of Spain said: "I had the opportunity to admire her virtues... I saw nothing more than what was for the greater glory of God and the salvation of souls." Everywhere, it was said: "No one has ever heard anyone speak ill of the virtues and sanctity of life of the Servant of God; on the contrary, I have heard that she was a saint, from those who knew her, and therefore they praised her virtues exceedingly. No one has ever heard anyone speak ill of Mother Sacrament, but rather, they have praised her virtues. All pious people who knew her... are in agreement in affirming that she was not a woman of common virtues, but rather, an extraordinary woman; the good people who had frequent dealings with the Servant of God considered her a saint. Her progress in virtue clearly indicated the reputation for sanctity that she enjoyed among the classes of good society." Furthermore, everyone affirmed "that her virtues were not feigned, but real: that she never committed even a single venial sin." As briefly stated in the Acts, Volume XXXV, page CDXV1, 29.

[*Latin ed. p. 450*]

450 FROM THE SACRED RITUAL, it is stated: "And the general reputation and fame of her name were spread throughout Spain." What does the Accuser say? "Nor has she acquired this reputation without some stain on her sanctity!" Why? Because Sister Mary of Montserrat, a "most simple

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religious," said: "I confess frankly that I never considered her to be a saint." However, I beg that a place be made for her, and that honor be given to her sanctity: "I confess frankly that I never considered her to be a saint; but now, being more thoughtful and judicious than I was then, I am convinced that the rebukes, which she gave me (and which were the only reason I did not consider her a saint!!!), she gave me for my own good, and without doubt, thanks to the grace of God, I am now living the religious life, which I currently observe, and appreciating the many virtuous deeds of her life, of which I was a direct witness; and I believe that these, always subject to the judgment of the Church, to which I humbly and reverently submit, are sufficient, and indeed worthy, for anyone who has begun this process." Indeed, Sister Mary of the Most Holy Rosary said: "Although I considered her to be a most virtuous person, I never considered her to be a saint." However, she added: "Such devotion, as I feel now, I have not felt except after her death, and especially in these last times, when I have learned of many of her works, which were unknown to me before, and I have seen her many and diverse instruments of penance; all of this, together with the opinion I already had of her, is the reason why every day I raise my prayers to heaven, asking that, if it is to be for the honor and glory of God our Lord, she may be beatified by the Holy Church." To better understand the meaning of the words, which the Accuser extracted from the testimony of Sister Mary of Mercy, I will quote them verbatim: "Although I have no evidence against the sanctity of the Servant of God, nor did she ever in her life give me any reason to resist her, it is a fact, which I am ashamed to confess, that I never had any true affection for the aforementioned Servant of the Lord. This may have been contributed to by a certain severity, with which she governed the Institute, and by the defective organization, which this necessarily must have had in the early years of its existence. In those early years, that discipline could not be imposed, with which it is currently maintained:

[*Latin ed. p. 451*]

From the Sacred Ritual, 451, I found myself in a house in Madrid, which was run in part by Sisters and in part by some paid teachers, who were more concerned with getting along well with the students than with the foundress. Through my own fault and haste, one day in the refectory of the house in Burgos, Mother Sacrament said to me that she did not speak with me; from which it happened that my self-love was aroused, and I took this phrase, "I do not speak with you," as a true insult. I readily acknowledge that this was a trivial matter; however, the devil did not cease to tempt me, so that every time I recall this, I feel as if it were the day it happened. For two months, when recounting this very event to a Sister in this college, I felt a bad impression of displeasure in my heart, and even a great deal of anger towards Mother Sacrament, so much so that, having just finished the

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conversation with the Sister named Mattea, I remained as if ashamed, and I immediately went to the chapel to ask forgiveness from God and from Mother Sacrament. "Neither have I done such things as the words of John the Baptist and Vinader, who bring forth a censure against me." For indeed (as the formulas of judgments demand), when properly questioned as to whether he had any affection for the cause, he responded appropriately and congruently: "I have not professed, nor do I profess now, any special affection for the Servant of God; nor, speaking humanly, do I have any special interest in her beatification, although I am certain that God has received her into his holy glory; therefore, in my prayers, I commend myself to her intercession." Then, even though Witness VIII, Valentinus, said, "I have heard speak against the appropriateness of this process concerning the chaplain, Don Ermenegildo Sancho, who resides in Madrid," I do not care. For Ermenegildo Sancho, as a witness summoned and properly questioned, said, "I have had a particular affection for Mother Sacrament and I desire her beatification for the greater glory of God." Concerning how great the reputation of this woman was among the servants of God, it is a fact that they themselves were accustomed to say: "Oh, how holy we have among us." And regarding the holiness that she displayed, "they admired in a special way the purity of her life, the extraordinary degree of her virtues, and the heroism of her penances." Moreover, many of her companions "firmly believed that one day Mother Sacrament would be..."

[*Latin ed. p. 452*]

452 FROM THE SACRED RITUAL: In the Institute... they constantly believe "in the sanctity of my Most Holy Mother Foundress"; and there is nothing more praiseworthy. It is asked whether the Censor [official reviewer] has said anything about the attendance at the tomb of the Handmaid of God. And we are questioned: for, although it is certain that the faithful frequently flock to the tomb to obtain heavenly help, we have lost a great deal of evidence because of the silence. But the very cause of this silence must be attributed to the incompetence of the Judges and the Physical [medical] Examiners: for, without any deceit, they submitted the questionnaires. And this, of course, can be no impediment to a favorable outcome. Furthermore, I beg you to deeply impress this upon your minds: here, regarding the reputation for sanctity, we are speaking of what Pope Benedict XIV said about the veneration of holy men, whereby the tombs of the Servants of God are often venerated privately, solely to support the reputation for sanctity, since the greatest evidence is not necessarily the words spoken about them. "Reputation," (and I will quote his words), "can be proven in two ways: either through the examination of witnesses and historical accounts, which extol the sanctity of the Servant of God, or through the offerings and votive objects that have been made at his tomb." However, as the general commission, printed in the decrees of Urban VIII, states, "only

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the examination of witnesses is mentioned," and therefore, it follows that historical accounts, offerings, votive objects, and similar things, cannot constitute a perfect or adequate proof of reputation, but are only pure aids to what has been transmitted by Farinacci, question 46, n. 282 and following, and as Mascardus proves, conclusion 751." This is true. For reputation is a light that is born from the splendor of benefactors: and although it borrows much from the tombs of the Servants of God, its fame remains, increased above all by the memory of virtues, and therefore, countless men of the most holy life are celebrated, whose bodies are hidden from the eyes of the faithful. And whoever should depart from this opinion, the Basilian Fathers would be to be blamed, who long ago began to prepare to remove the remains of St. Nilus the Elder from the Crypt of Ferrata and the temple, and the superiors of the Basilica of Liberius have the body of St. Jerome the Doctor, buried there (according to tradition). What about St. John the Baptist? Are not his remains, except for the head, hidden from us? Yet his memory is venerated everywhere! And what about Blessed Innocent V? His body is hidden; nevertheless, the heavenly honors of the blessed are rightly celebrated.

[*Latin ed. p. 453*]

EX 453. The Sacred Order has followed the customs established up to this point. But what of the servants of God, Martin Moye and Caesar Sportelli, whose causes have happily been initiated in this Sacred Congregation, and of whose sepulchers no memory remains?

Concerning Obstacles: The perfect Christian soul is rightly compared to an ascent into the holy mountain. "Who shall ascend the mountain of the Lord? He who hath clean hands, and a pure heart" (Psalm 24:3). Indeed, Christ Himself ascended bodily once (thus, the blessed Bernard), but now He ascends daily spiritually in the hearts of the elect. If, therefore, we wish to ascend with Him, we must ascend on the mountains of virtues, away from the valleys of vices. Hence, Ribet, in his *Theologia Mystica*: "Contemplation follows an ascending path and gradually invades the soul... God observes this law of time in His action upon finite beings, in order to produce them, to govern them, and to perfect them, and He subjects all of nature... Experience testifies that contemplation, like purely natural operations, appears in a state of germination, develops through various vicissitudes, and is consummated in the supreme embrace of divine charity... These are like so many steps towards the consummation of love."

For St. Gregory says: "When we turn away from love, and the mind is corrupted, we hasten inwardly with certain movements of the heart. But no one, abandoning what is weak, suddenly becomes perfect, because in order to attain the merit of perfection, while the mind is daily led upwards, certain steps, undoubtedly like ascensions, are reached."

As for what these steps of perfection are, Schram teaches most clearly:

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"They are, namely, the beginning, the progress, and the perfection." And this is confirmed by the Sacred Scriptures and by the writings of the Fathers of the Church. For David says: "Blessed is the man whose delight is in the law of the Lord; who ascends into his holies with joy, in whose heart there are no guile; in the way of them that keep his testimony, for they seek him with their whole heart. They also do no iniquity; they do his commandments" (Psalm 119:1-3).

Furthermore, this was that mystical ladder by which Jacob saw the angels ascending and descending: these are the three kisses, which are first on the forehead, then on the hands, and finally on the mouth, which the blessed Bernard considered, saying: "The first is dedicated to the beginning of conversion; the second is granted to the progressing; and the third is experienced by the perfect."

[*Latin ed. p. 454*]

4D4 FROM THE SACRED RITES, concerning the charisms, of which the Apostle speaks: "Follow after charity, and earnestly desire spiritual gifts." For indeed, the power of charity is great (as Richard of Saint Victor says): a great power of charity. And there is a great difference between the degrees." Augustine enumerated the degrees of charity: "Is it not so that, as soon as it is born, it is already perfectly complete? No, for it must be perfected. When it is born, it is nourished; when it is nourished, it is strengthened; when it is strengthened, it is perfected; and when it has reached perfection, what does it say? 'For me to live is Christ, and to die is gain.'" And Gerson says: "The rational soul, like a sailor... through secret affinities... is drawn by the love of sensual things towards the shore of eternity, that is, from the carnal to the spiritual... For love draws, unites, and satisfies." Therefore, that which Saint Thomas says is most excellent: "The first degree incumbent upon man is the principal effort to turn away from sin... and this pertains to beginners, in whom charity must be nurtured or fostered, lest it be corrupted. The second effort that follows is for man to principally intend to make progress in good, and this effort pertains to those who are progressing, so that in them charity may be strengthened through growth. The third effort is for man to principally intend to adhere to God and to enjoy Him, and this pertains to the perfect, who desire to be dissolved and to be with Christ." If we indeed embrace all these things with mind and soul, and if that which was held by Benedict XIV, according to the judgment of the theological consultants, is also true, that it is sufficient to prove the sanctity of any Servant of God if, at least in the last decade of his life, he has provided certain evidence of high and lofty virtues: it will be easy to refute the objections that the Censor raised. For indeed, the Handmaid of God was not gradually raised to the highest peak of virtue, if she herself said: "The Lord was preparing me, without my knowing it, so that I might one day accomplish His holy purposes... it did not begin immediately, nor was it through a miracle out-

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side the common and natural order, nor was it suddenly, but rather little by little, without there being in my life anything that deserved distinction." What the Censor objects to pertains only to that first degree, which the theologians call the state of beginning: hence David: "When I was a child, I spoke like a child, I thought like a child, I reasoned like a child; but when I became a man, I put away childish things." However, the first of those...

[*Latin ed. p. 455*]

From the Sacred Ritual, 455: The condition for a religious is to abstain from sins; she must be entirely free from them. The Servant of God preserved that bond of charity, through which she was later united with God. I am not one who would deny that, before founding the Institute, while still living in the world, Saint Michael visited theaters, dances, and other similar places. However, as we have often pointed out, much weight must be given to the circumstances: "Devotion must be practiced differently by nobles, artisans, etc." The Servant of God (as witnesses report) "was obligated by her social position... to go to the theater and to official receptions." She herself wrote about herself: "My brother, who was married to the sister of the King of Spain, who served as an envoy to the King of France, took me with my sister-in-law to Paris, to the shops, to conversations, and to a life that was entirely dissipated, but not wicked." It is not surprising, for Saint Francis de Sales wrote: "Dances and games are things of an indifferent nature... The proper occasions for dancing and games are more frequent, but, in a word, dance, play, under the conditions that I have told you, when, to descend and please, in the conversation in which you will be, prudence and discretion will advise you, because condescension, as a fruit of charity, makes indifferent things good and, if permitted, not dangerous; it is malice that makes those things evil, which, in some way, might be wicked; therefore, games of chance, which would otherwise be blameworthy, are not so, if sometimes we are led to them by proper condescension. I am consoled by having read in the life of Saint Charles Borromeo that he accommodated himself to certain things with the Swiss, in which, however, he was very strict; and that the Blessed Ignatius of Loyola, when invited to play, accepted. As for Saint Elizabeth of Hungary, she played and was present at gatherings of leisure without detriment to her devotion, which was so deeply rooted in her soul. Just as rocks grow, being struck by the waves, so devotion grows in the midst of vanities and pomp, to which, by reason of her position, she was exposed." As Cardinal Bona rightly said: "Actions and words are not to be considered in themselves, nor are they to be referred to the examples of the saints, but to the principles, or motives, for which they act in this way." Furthermore, the health of the Servant of

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God was also a cause for...

[*Latin ed. p. 456*]

45G EX S. C. RITUUM: "invitations, horseback riding, carriages, theaters, conversations, dances, baths, etc.": for she said that she had so many of these things "because of the pain in her stomach, which she suffered in a very distressing way." And it must be noted that in all these things, "nothing bad" ever occurred. Furthermore, the Handmaid of God was endowed with a vigorous constitution of body: but nature, which has endowed someone with a more ardent temperament, requires a more rapid flow of blood, and makes it easier to succumb to vices. Thus, we are made more patient in our labors, and we are more easily protected from vices. This is clearly stated in Holy Scripture: "Better is a sound body than great riches." If the life and conduct of the Handmaid of God were known to be worthy, what of St. Francis of Assisi? What of St. Ignatius? What of St. Francis Borgia? Did not they also indulge in these things? Did not the Venerable Maria Christina of Savoy say the same? What is said about the Venerable Gabriele of the Virgin, who suffered greatly, is this: "In her youth, she was a little eccentric in the way she dressed, fond of pleasant pastimes, and she also loved dancing; and Father Pincelli, in his life, said that one morning he saw her in school: 'Did you see the dancer?' She was of an ardent character, eager for childish amusements. Two years before she left Spoleto to become a religious, she led a lively life, fond of dances, conversations, theatrical performances, and of appearing and making a good impression, especially in her attire." Later, the Handmaid of God lamented, saying: "Theaters, conversations, oh God, how much they make me lose breath! And oh! into what abysses I would certainly have fallen, if the Virgin Mary had not come to my aid." Therefore, even if these things are so, no obstacle can be derived from this for the present cause. Furthermore, in the past century, the Handmaid of God lived a life most varied and full of works of charity: she founded, with her approval, a Sodality of women, from the most noble order in Paris, who dedicated themselves to serving the Most Holy Sacrament day and night; she provided temples that were in need with sacred furnishings; she built a small chapel at her own expense. She frequently visited public hospitals; she also sought out the poor; she showed great charity to the sick, even those who reeked of the worst odors or were suffering from leprosy; she visited souls who were contumacious in hospitals, so that she might bring them to God; she served Christian schools, and added the best teachers.

[*Latin ed. p. 457*]

From the Sacred Rules, 457, concerning the proper instruction of young girls: sacred funds were established to excite the piety of the faithful; and, gradually, under the guidance of God, the Sodalitas maxima was founded.

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But At Censor, always true, adhered too much to the vanities of the world, and was hesitant and lukewarm in fulfilling her divine vocation. However, the vanities to which she sometimes (though unwillingly) yielded, were always tempered by her utmost diligence and prudent judgment. Furthermore, since this depended on the singular will and judgment of the director of conscience, the most innocent body was cruelly scourged, the more splendidly it was adorned with the ornaments of clothing, and the more closely it adhered to God, the more vehemently the distinction was insisted upon. Every opportunity for patience and endurance was seized. The Catholic woman, agitated by calumnies, and although she could easily escape them, preferred to suffer joyfully for Christ, until the calumnies, openly revealed, brought forth a greater light of her virtue. She devoted herself constantly to prayer, sometimes depriving herself of sleep at night. Every day she attended the sacred rites, renewing her spirit with the study of piety, and, refreshed and invigorated, striving with greater zeal for virtue. When, in France, legitimate authority was overthrown by the perfidy of traitors, and all human affairs were turned to penance, and citizens dealt cruelly with each other, the Handmaid of God, who resided in Paris at that time, could not endure the daily prohibition of sacred rites and heavenly feasts. Therefore, to the astonishment of her enemies, she did not hesitate, but daily, even though fortifications were erected at the entrance of the streets, she passed through them, so that she might attend the sacred rites and taste the heavenly feasts. In Brussels, she spent the late hours in prayer, and when those who were in charge of the legation were accustomed to receive visitors in their home, illuminated by the pale light of the sky, the Handmaid of God, illuminated by a faint light, passed through the room while praying. They, turning it into a jest, but still amazed, said, "See, Michaela has risen to recite the morning psalms." In her, with whom glory was associated, she suffered from causes of illness, and in her travels, as she visited each city, she demonstrated the document of piety. Her journey, wherever she went, was blessed by the most blessed Virgin, so that she might walk more closely with God and in God. Briefly, she maintained this manner of life, this way of living, as long as she remained in this world, and it is clearly evident that this is worthy of praise.

[*Latin ed. p. 458*]

458 FROM S. C. RITUUM: Do not say that Saint Michael obeyed the call of God less readily. For, as we have already said, God gradually prepared her. "I was arranging things, without knowing it... little by little, and in a simple way." God does not always call men in the same way. Sometimes, even the smallest and most unexpected opportunity can lead some to the heights of sanctity. The Servant of God had long contemplated the founding of a religious community; she had not yet, however, decided what form it would take, when suddenly such a thing occurred that she

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perceived the will of God. She had already gathered some young women and had placed French nuns in charge of them, who began to take offense at her, inflaming the minds of the young women with uncertain words, and spreading malicious rumors about her arrogance. The situation reached such a point that one day, the Servant of God saw a group approaching the door of her house, intending to enter. "But the superiors," she said, "had nothing more to do with it, because they had decided to take over the school themselves." Overwhelmed with grief, the Servant of God stood before the door. Perhaps her eyes fell upon the image of the Blessed Virgin Mary, who hung on the opposite wall: she prayed that a way might be opened for her. Nor did she act rashly or inconsiderately, but she went to the President of Toledo and the Apostolic Nuncio. She deliberated with them for a long time; with their authority, the matter was referred to the civil authorities: the nuns were expelled; justice was done, and everything was restored to its proper order; thus, the Servant of God had not neglected her duty of charity. "The matter was brought to the attention of the Most Reverend Archbishop of Toledo, who advised her to address herself to the Nuncio of His Holiness... The Apostolic Nuncio listened to her and gave her permission to appeal to the civil authorities to resolve the matter... Despite the warnings of the authorities, the French nuns refused to leave the house, and in view of this, the aforementioned civil authority ordered that they be placed in carriages, and a detachment of troops accompanied them to prevent any disorder." What of the Servant of God? She was "overwhelmed with sorrow, because she truly felt sorry for the measures taken by the government and the publicity surrounding the matter." But who was to blame? Certainly not the Servant of God, who had only sought to restore justice with charity. But God seized the opportunity to lead her to a higher degree of sanctity. With the nuns expelled, the Servant of God immediately entered the school, which she had prepared to receive the young women: "She ordered that their belongings be brought from their beds and that..."

[*Latin ed. p. 459*]

From the Sacred Ritual, 459, concerning the exhortation to a young woman to remain in the aforementioned place. She prayed more and more, and suddenly, through the influx of divine grace, she felt herself impelled to the intended work with greater zeal, and she heard, as if a greater human voice, "Continue the work which you have undertaken; I command it." And she was not without admiration for the divine appearance of the Archangel Michael, when she saw the celestial heights adhering to the heavens, and through them, countless young women ascending and descending, while nuns were inside. Although the interpretation was given to her specifically, she continued to renounce all earthly things; she put on humble garments; she covered her head with a veil; she placed the image of the Sacrament upon her breast, and she constituted a companion

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and associate for herself in all her future life, embodying the charity of God and of men, which she embraced with a lofty and upright spirit. Are not the plans of God and His inscrutable ways to be admired? If anyone were to say that the Lord's servant answered the call of God, then certainly St. Francis of Assisi would also be mentioned, who, only after having heard, "If you wish to be perfect... come and follow me," surrendered himself to God. Likewise, it certainly happened that the lives and virtues of the Saints Ignatius and John Colombini were read, and their manners were changed. Nor can St. Francis Borgia be omitted, who, only after having seen the decaying remains of Queen Isabella of Spain, subdued the delicate habits of his life and converted to God. There are many such examples in the history of the saints, and they are all thoroughly established. God, when He wills, breathes: and through His gentle breath, wondrous things are brought forth, just as, when the true breath is given, the earth is adorned with flowers. The tattered garments which the Lord's servant first wore when she barely entered the community are mentioned: the sound of the psaltery: the art of painting: the coats of arms of her family, inscribed on scrolls: the manner in which she expressed herself to the French negotiators: the name of Queen Isabella, often used by her as a title: the skillful gestures she often displayed when speaking: and other things of this kind. Above all, it must be asked whether those whom the aforementioned "critics" heard, as testified by John Vinadern, were truly reporting what happened. For sometimes, even if they are well-intentioned, men are eager to attack those who undertake a more serious way of life, and they strive to distort the purpose of those who are striving for a higher ideal. It is not uncommon for a "sermon" (as I would say, quoting Quintilian) to be "dispersed without any certain author."

[*Latin ed. p. 460*]

●460 From the Sacred Rites, it is said that to that which malice has given a beginning, credulity adds increase. Therefore, St. Gregory says: "We hold the testimony of sacred words, so that greater evils, when perhaps they are said, unless proven, should not be believed." Furthermore, the witness, after having recounted some things which demonstrated the power of the abuse, "was asked by the official about the names of the persons, and about where these persons currently reside, and in response to this question, the witness replied: I do not remember the names of the persons with whom I spoke about these matters." However, whatever the Censor [accuser] alleges, all pertain to the prior stage of the action, which is called the beginning. Of all works, it is farthest to induce a new man. "No one, infirm and repenting, becomes perfect," says St. Gregory. And St. Francis de Sales says: "The human heart, transplanted from the world into God, speaks of celestial love, and will be drawn to sanctity, uniting itself more and more with His goodness, but by imperceptible increments, of which one does

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not readily notice the progress, until it is accomplished, just as it is when it is accomplished." To better understand the repentance, let us hear the Servant of God herself narrate: "I began to form a plan of life, intending to do what I had always wanted to do, to found a Community, to direct my College, and I established a life in this way: I began by putting on a religious habit; I never wore a habit of wool... I wore silk, a little elegant... I went to my superiors and told them that I wanted to teach the way." Thus, she abandoned everything. Not yet had the grace of God triumphed in her soul: but gradually, the Servant of God so cast aside all ornaments, so detached herself from all earthly things, that she surrendered herself entirely to heavenly things, so that she might attain the summit of sanctity and deservedly be called "the Saint Teresa of the 19th century." The Censor calls them vain fancies, these beloved stories which the Servant of God recounts about the angels who were her guardians, and who led her to the altar of the Most Holy Sacrament; about Christ Jesus Himself, who carried her in His arms and whose wound on His side she saw; and finally, about how again, when the Servant of God was praying to Christ Jesus, she saw Him present to her, confessing to her the secrets of faith. But let us consider the judgment of the most learned Bellarmine, who in his book "The Spiritual Warfare" warns: "Let no one follow the judgment of certain perverse men, who deny divine revelations and visions."

[*Latin ed. p. 461*]

EX. S. C. HIT U UM 4-15 "For they show themselves to be very unspiritual, despising those things which are of little value." God plays with the souls of the elect, and He plays even more with those souls to whom He is most pleasing. As a few examples, when Philip Neri fell into a pit, was he not taken out by his guardian angel, his hair miraculously dried without any apparent cause? In the *Life* of Blessed Crescentia Hoss, it is written: "On the feast of the Guardian Angels, at the beginning of Prime, Crescentia saw the angel of each religious standing before the stalls: one stall, however, was empty, and the angel who was there seemed very displeased... the religious, who was to occupy it, had remained in bed for a long time." What seems to have been revealed to the Handmaid of God, that is also similar to what Blessed Margaret Alacoque and Saint Veronica Giuliani experienced. It is said that Christ Jesus showed Himself to Margaret, saying to her: "I wanted your heart to be entirely pure and not stained by any earthly affection; and to keep it so, I removed all malice from your will, because you could not resist it." Saint Veronica, for her part, recounts: "It seemed to me that our Lord opened my breast, took out my heart, and showed it to me, and three times He asked me: 'To whom is this heart?' And to each question I answered: 'To You, Lord.'" Let him who laughs consider this: the Apostle responds, "It is written: 'I will destroy the wisdom of the wise, and the prudence of the prudent I will reject.'" Therefore,

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pious, serious, and prudent men have always pursued heavenly visions with the utmost reverence. For it is written in the *Book of Imitation of Christ*: "Frequent visitation to Him (God) with the inner man: sweetest conversation; welcome consolation; much peace; a wondrous familiarity." Moreover, the Handmaid of God recounts that the demons, clothed in various forms, tried to turn her away from the path of virtue. But what does the Roman Catechism say? "Many are those who, because they think that the impulses and urges of the demon are very small things, consider the whole matter to be false... They have no piety, no charity, no virtue worthy of a Christian man; therefore, it happens that so many are in the power of the devil, and no temptations are needed to corrupt them, because, with their own consent, the devil dwells in their souls. But those who have dedicated themselves to God on earth, living a heavenly life, are those who are most subject to the attacks of Satan."

[*Latin ed. p. 462*]

462 From the *Sacramentarium Rituum*: "He detests this with the greatest bitterness; at every moment of time, he lays snares for it." What is narrated concerning the Servant of God, and what happened to Saint Philip Neri? "One day, the holy old man was retired on a balcony above his room, and the demon, unable to do him any harm, soiled all his clothes with dirt. Another time, to offend him, he contrived to make a table fall upon him. When he was at prayer, keeping watch through the night, the demon often came and extinguished the light. He also made noises in the room almost as a matter of course, so that Father Anthony Gallonio, who slept below, was often forced to get up and go above to see if the noise was real, and he found nothing at all." Concerning Blessed Crescentia, the writers have this to say: "Objects were taken from her hands, her work was ruined, the fire was extinguished... One evening, about eight o'clock, Sister Beatrice Leder, finding herself in the dormitory, saw a man, dressed as a hunter, enter the cell of Crescentia at the very moment that the latter was about to return to it. While the Chapter of Crescentia was prostrate in prayer, a hand unseen often struck her head against the floor with such violence that blood flowed from her mouth and nose. During the time of rest, it was worse. A terrifying noise was heard before the cell, as a prelude; then, horrible specters in the form of beasts, serpents, toads, tarantulas, and scorpions filled the cell and attacked Crescentia. One night, a tremendous crash was heard coming from her cell, like the sound of blows from staves, of hammers, and of fish. At one point, Crescentia was suddenly thrown out of her cell and hurled down the stairs, passing through two doors that were closed. She was dragged to the ditch, which crossed the courtyard. There, the evil spirits immersed her in the water and then threw her under a pile of logs. These tragic adventures were sometimes interspersed with comic ones. One day, while she was in the kitchen, attending to a large pot

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filled with vermicelli and boiling milk, Sister Giovanna Altaeger, who was standing nearby, saw an invisible hand lift the pot and place it on the head of the virgin, causing the liquid to flow over her head and producing very painful burns on her head and body." It is therefore not surprising that such things happened to the Servant of God.

[*Latin ed. p. 463*]

FROM SACRED RITUALS 463: "But 'many' Servants of God (the Censor observes) 'were considered visionaries'." I grant it. And what follows from this? The most holy Christ was not immune to calumnies, since, when He preached the Gospel of eternal life to men, He was condemned by those very ones who were esteemed among the Jews for their doctrine and piety, as a seditionist and a disturber of the public peace; as a Samaritan and a heretic; as insane and furious, and as a seducer. And, by His example, when virtuous men suffered persecution, they found consolation in this. Paul also and Stephen suffered the arrows of calumny: Paul, the apostle of the Gentiles, was agitated as a heretic and a criminal, and Stephen, as a blasphemer against God and the law. It is well known that the most grievous crimes were falsely imputed to the Fathers of the Church: it is said of St. Athanasius that he was a rapist and a murderer; of St. Basil that he was ambitious and proud; of St. John Chrysostom that he was arrogant; of St. Jerome that he was violent and a heretic; of St. Augustine that he was the author of new dogmas concerning grace; of St. Bernard that he was a false prophet." What wonder, then, that a Servant of God, when nearing the end of her days, should be traduced by men as a "visionary"? But I concede: "She was not known to her family... but was a victim of religious fanaticism." To her mother, at the very least: for she herself was accustomed to say of Michaela, the young girl: "I do not know what the Providence of God has in store for Michelina... what He has destined for her; I only know that she does not commit a single venial sin. She is always occupied in works of piety, both towards God and towards her neighbor. I have much to learn from her; she is my true comforter." As for her brother, I concede that: but witness Valentinus: "My sister and her family were treated harshly by my brother and his family, they called her names, and to further pressure her, he would call her that, qualifying her in this way; he applied this qualification to all of the nobility of Madrid, and furthermore, he gave her the qualifications of hypocrite and deluded, in order to dissuade her from carrying out the foundation, that is, from welcoming young girls into the Institute, which she was founding." But Schräm says to me: "Even though she suffered passively, she was nonetheless perfected by the persecutions inflicted upon her by men, just as St. Job suffered from his wife and his

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friends; and Ribet: "The persecution..."

[*Latin ed. p. 464*]

464 EX. S. C. RITUUM: The purification of men is also a trial, whereby the soul is cleansed and all impurities are removed before being raised to contemplation.... The pain caused by these tribulations is more acute when they proceed from relatives and friends... One can despise and understand the malice of strangers and enemies; one always suffers when seeing those one loves and reveres, whether of good faith or with bad intentions, subjected to persecution. Did not Saint Catherine of Siena appear exceedingly harsh to her relatives? Did not Stanislaus Kostka suffer from his brother? Did not Anne of Xainctonge endure a long war with her family in order to found her institute? And I am not moved even when Eugenius Labarta says: "I do not dare to affirm that the protection and favors of God towards her were extraordinary." For he, too, seemed anxious to express his opinion about her from an external perspective. Nor should it be omitted that he also stated: "After 26 years of having dealt with M. Sacramento... and 83 years since... I have a very weak memory of what I knew of her life..." He also added of the Servant of God: "She had progressed in Christian perfection, and in general, the people who dealt with her had a good opinion of her... her virtues were noteworthy." And finally, he says that he desires "her beatification for the glory of God and the affection that I professed for her?" In the final part of his observations, the Censor objected to the Servant of God, because, while this woman illuminated herself, she sometimes confessed to having disobeyed and, against charity, had committed sins. But in this matter (as the most illustrious Alibrandi says), a distinction must sometimes be made: "God does not incline the will of subordinates so that legitimate superiors may despise them, but He can, because He possesses dominion over all things, render human commands contrary to His will ineffective, and He can deprive subordinates of their physical power so that they do not execute the commands... Once this divine will has been made manifest through irresistible power, which draws subordinates to themselves, even against their will, those same superiors must obey them; for since they are ministers and interpreters of God, they must conform their decrees to the decrees of God." These things are in agreement with what Margaret Alacoque once denounced to the Lord, warning that "she and her Superior would fight against Him in vain," and she added: "I have always obeyed, and I will continue to do so."

[*Latin ed. p. 465*]

EX 465 S. C. RITUUM: "I know the secrets of my children and of my creatures, and nothing will be able to prevent me from accomplishing my designs." Therefore, did the Handmaid of God sin when, guided by divine inspiration, she revealed secrets that she had been forbidden to disclose?

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Indeed, when she was once in the Palatine refectory, and called the Religious to the grating of the choir, she greeted them with these words: "May peace be in this house, for it is much needed; that Religious who enters from the side of the choir is precisely the one who is troubled." Likewise, it is said that she told another Sister, Iosepha Alfageme Zamorensi: "Be more sincere with your confessor." But both things were true; both were hidden. Who then revealed these things to Michaela, and who taught her, if not He to whom all things are manifest and open? Therefore, no act of contumacy can be imputed to the Handmaid of God, especially since the Confessors' instructions "not to make particular use of internal revelations" are not to be interpreted as stemming from supreme and immoderate authority, but rather as pertaining to the liberty and discretion of Michaela herself. Nor did the Handmaid of God sin when she publicly revealed things that she was concealing, contrary to charity and prudence. For Benedict XIV teaches: "We read of some saints who, on occasion, publicly rebuked hidden sins; but when they recognized hidden sins not by human means, but by a divine revelation, they were not subject to the preceding rule of private admonition. Similar accounts are found in the lives of the saints, and, to avoid mentioning recent ones, Palladius in his *Historia Lasiaca* recounts a public rebuke made by St. Ammonius to Macarius the Alexandrian, and by Eulogius the presbyter, for hidden sins that were revealed to them in a supernatural manner." Even in the records of the inquiry into the cause of the Venerable St. Margaret of the Most Holy Sacrament, it is reported that she once could not enter where a certain priest, burdened with vices, was performing sacred duties; but when she was ordered to open the cause, she "revealed the most hidden things about the state of this priest, and about his spiritual misery, which were all recognized as true." Although the Accusator objected that this was done contrary to charity, nevertheless, since the cause clearly demonstrated that the Handmaid of God had revealed hidden things only by divine inspiration, the cause itself began happily before the Sacred Congregation. And it happened that when the Handmaid of God approached "the confessional of the Lord Claret, she understood one thing or another without speaking," *Acta*, Vol. XXXV, p. 466.

[*Latin ed. p. 466*]

466 From the Sacred Ritual, the Censor argues as if the sacred vows were not performed according to the rites of the Church. I beg you, be merciful: the witness speaks of an intimate and mutual understanding that existed between Very Reverend Claret and the Servant of God, and states that he did not say that the vows were not properly performed. We have never before heard of such a mode of exercising a divinely instituted ministry in the lives of holy men. Philip Nerius "clearly saw the internal struggles of his penitents, and he saw the thoughts that passed through their minds."

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Would one therefore say that he did not confess his sins to his ears, nor did he announce them with his voice, according to the rite, because Philip knew the depths of his soul? For this is the natural and inherent sentiment of the witness, that Very Reverend Claret and the Servant of God understood each other perfectly in matters concerning their mutual sanctity, and not in those matters which are necessarily required for the proper performance of the vows. Therefore, since all the formalities established by the judicial order have been fully satisfied, and there is no true cause for hesitation, we confidently hope that the Eminences will grant a favorable vote on this proposal, and we implore them, along with the entire community of the Handmaids of the Most Holy Sacrament and Charity, and with the Reverend Father Benjamin Miñana, director of the Spanish College in the City, and most vigilant promoter of this cause, to pray diligently. Therefore, etc. ACHILLES MARTINI ALPHONSUS Adv. STERBINI, July 16, 1902. REVISA ANGELUS Adv. MARIANI, S.R.C., Assessor and S. Fidei Sub-Promotor.

[*Latin ed. p. 467*]

467 FROM THE HOLY CONGREGATION OF THE COUNCIL OF CASSERTA, N. OF LAWS. January 31, 1903. Session 25, chapter 11, Concerning Reforms. In the town of Syphae (now Castrovillari), in the diocese of Casserta, there existed, from a very remote age, three parish churches: one under the title of Saint Peter, called "La Cattolica," another of Saint Mary, called "Bel Castello," and a third of Saint Julian.

However, as the boundaries of the town expanded with the increase in the number of citizens, the citizens undertook to build houses in a more recent and pleasant part of the mountain, adjacent to the old town. The pleasantness of the location, and the healthiness of the air, attracted the inhabitants of Syphae more and more each day, so that the ancient area of the town was almost deserted. Consequently, no one attempted to repair the ancient church of Saint Peter, which was near collapse; and it was necessary to abandon the old parish churches, since they were no longer sufficient for the increased population. Therefore, a new church was built, dedicated to the Holy Trinity, in the center of the town, and a new division of parishes was established in 1846, whereby the parishes of Saint Peter and Saint Mary of the Castello were abolished, and were replaced by two other parish churches, namely, the church of the Holy Trinity and the church of Saint Joseph; however, the parish of the old church of Saint Mary of the Castello was transferred to Saint Joseph, so that it is now known as the parish of Saint Mary of the Castello at Saint Joseph.

Today, the question is whether this church has become a subsidiary and filial church of the church of Saint Joseph. Furthermore, at the same time, in order to comply with the celebrated decree, the number of priests attached to the three parish churches, which had been unlimited, was reduced to

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a certain number, and all were assigned to the new parish church, under certain laws.

[*Latin ed. p. 468*]

468 FROM THE HOLY GENERAL COUNCIL, concerning the Holy Trinity, so that the habitual pastoral care might be entrusted to the clergy. Therefore, it was decided that a portion of this clergy should consist of three parish priests; consequently, the president of the clergy held the office that the parish priest of the Church of the Holy Trinity would relinquish; the parish priest of the Church of St. Joseph held the title of Prefect; and the parish priest of the Church of St. Julian enjoyed the title of Primicerius. Furthermore, it was ordained that all goods belonging to the various churches, whether parochial or filial, should be united into a single body, and that these goods should be administered by two distinct officials, namely, by a procurator for the goods of the churches, and by a procurator for the goods of the clergy, according to the law that from the revenues of the common goods, appropriate portions should be allocated to the parishes and to the participating members of the clergy, as well as to the necessary expenses for divine worship, other spiritual works, and for the preservation and maintenance of the churches. This arrangement was made through statutes deliberated upon by the clergy and unanimously approved in plenary assemblies in the years 1840 and 1847. In the year 1847, a decree from the Bishop was added, which ensured that the established statutes would be put into effect. It is therefore fitting to mention the principal ordinances of the statutes which the clergy established in the year 1840, and which the Bishop, in substance, approved and implemented with the decree of the year 1847; and these are as follows: "To form, from this moment, the union of all the clergy, and to incorporate them into a single body, by creating a table according to the order of seniority of the priests, according to custom, and to unite, from September 1st of the current year, the respective clerical funds, both large and small, and also the revenues of the churches and chapels, both urban and rural, into a single mass, which will be administered by two distinct procurators, created in the manner as previously, and on the 20th day of each month of August, to take possession of their office on the first day of the following September." The habitual care of the entire population must be entrusted to the united clergy; currently, this care is entrusted to the three parish priests, who, in the exercise of this duty, will be independent of one another.

[*Latin ed. p. 469*]

CASSANEN. 469 Furthermore, maintaining the territorial boundaries of the Parishes as established during the Holy Visitation of 1832. » The Parish Priests shall take the title of the Church under their care, and each shall

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faithfully perform his own ministry therein; all shall use the same seal of the Clergy, and shall keep the Parish books in the archive of their own Church. » Because the Clergy is to be assembled in the Church of the Most Holy Trinity, the Parish Priest of that church shall be its President, and shall have precedence over all in every sacred function in which the Priests participate. » The ancient and praiseworthy custom of the daily Divine Office shall be maintained in the Church of the Most Holy Trinity, and the Conventual Mass shall be celebrated therein. On the feasts of Saint Mary Castello and Saint Julian, the Clergy shall celebrate the Divine Office in the churches dedicated to those saints; and on the Saturdays of Lent and on Holy Thursday, the Clergy shall also attend the services in the church of Saint Mary, on that day and in all respects, according to the usual custom. The novenas of the patron saints shall be celebrated with the participation of the Clergy. » The right to chant the Divine Office and to celebrate the sacred functions in all churches, including the Parishes themselves, and in all chapels, shall belong exclusively to the Clergy, who may participate therein, either as a body or in smaller groups, according to the size of the church or chapel in which the functions are to be performed, and in the best manner that they determine. » The processions of rite, of devotion, of penance, and those for the dead in the city shall be arranged and performed by the Clergy, and there shall be only the Clerical Cross in them. » In the churches and chapels of Urban, in which some sacred function is to be celebrated, the Parish Priest shall perform the service, in the territorial jurisdiction of which the church or chapel is located, but always with the participation of the Clergy, as has been stated in the seventh article.

[*Latin ed. p. 470*]

470 FROM THE MOST HOLY COUNCIL: "The blessings of the deceased shall be given by the parish priest, in accordance with the general regulations." "The parish priest of the Most Holy Trinity, in the church and chapel within his jurisdiction, and in all the rural areas, shall perform the purely parochial functions, and those of the first class; the others shall be performed by the head of Eddomada, and in his absence, by the senior in order, who shall also substitute for the parish priest in all things, except in the care of souls, as has been practiced up to now." "In order that the priests of the Church may in the future have a suitable sustenance, and no less than that prescribed by the current laws, so that each may maintain himself with the decency and decorum that the ecclesiastical state requires, all the clerical revenues shall from now on be divided into thirty-two portions, establishing the number of participants at thirty-two individuals, including the three parish priests, who, in addition to their participation as priests among the number, shall receive in each November twenty ducats in cash from the Procurator, and shall also have the rights of the white and black vestments, and shall also benefit from half of the same, which would belong to the

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participants, without however claiming anything else under any pretext. Vacant participations shall be filled by newly ordained priests, according to the right of seniority, until the established number of thirty-two is filled." "Each participation shall fulfill the fixed burden of the Masses, in the usual manner; the parish priests shall be excluded from this, having to fulfill the *Missa pro populo*; they shall also be considered as present at the choir and at all the functions of the clergy, when they are in the current service of the care of souls; and they shall receive all the emoluments, both of the Mass and of the manual and occasional distributions." "In order to be able to perform the sacred functions with all decency in all the churches and chapels of the city, the Procurator of the Church, at the request of the parish priests and the clergy, shall provide them with what is necessary for the maintenance of the cult, and for the repair of the buildings."

[*Latin ed. p. 471*]

CASSANO ALL'JONIO. 471 Such statutes fully received execution until the year 1866, when laws detrimental to the ecclesiastical order were enacted, abolishing the clergy and adding its goods to the public treasury, except for appropriate portions for the parish priests; but the goods of the Churches remained intact, since they constituted their endowment, destined for divine worship and the care of souls. However, the clergy made no change in its internal constitution, and, for the administration of the common goods still remaining, elected its administrators, and these continued in ordinary administration until the year 1873, when the priest Camporota, parish priest of Saint Mary of the Castle in Saint Joseph, brought a case before the civil court, claiming against the administrators of the Church the administration of the goods pertaining to his Church and to the Church of Saint Mary of the Castle, and he easily obtained his intention through a judicial sentence of February 16, 1875, since the laws detrimental to the clergy and its care intended to completely abolish them. The administrators of the Church had instituted an appeal, but, discouraged by this, they ceased, and instead, they turned their attention to entering into an agreement. Indeed, a great loss was incurred by other Churches, because a large quantity of common goods derived from the Church of Saint Mary of the Castle, an ancient sanctuary, famous for the frequency of the people and very rich in alms and offerings. Therefore, the Bishop intervened with his authority and ordered the priest Camporota to compose the discord through a transaction and to consider the indemnity of the other Churches. Indeed, a contract of transaction was entered into, in which the Bishop of Cassano all'Jonio, with the help of his special administrator, the priest Salvati, and the priest De Leo, parish priest of the Church of the Most Holy Trinity, and the priest Camporota, parish priest of the Church of Saint Mary of the Castle in Saint Joseph, and the priest Pugliese, parish priest of the Church of Saint Julian, and the priest Perna, the former administrator, as well as

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the priests Bloise,

[*Latin ed. p. 472*]

472 FROM THE DECREES OF THE COUNCIL and from more recent documents, concerning the Procurators who administered the goods of the Churches of Syphaei. It is beneficial to bring to light the principal agreements which were established in that contract. In the aforementioned document, the parties agreed as follows: "The Parish Priest, Signor Camporota, concerning the Church of S. Maria dei Castello, which is no longer a parish church, but remains a chapel of the parish of S. Maria del Castello in S. Giuseppe, will each year propose a special Procurator with the title of Chaplain to the Most Illustrious Monsignor, who will deign to approve him. The Chaplain, for the time being, thus appointed, will keep the keys of the Custody of S. Maria del Castello, and, under the supervision of all three Parish Priests, will collect the offerings of the faithful throughout the year. At the end of the year, the Parish Priest, Camporota, by his simple office, will invite the other two Parish Priests two days beforehand to attend the rendering of accounts of those offerings; and if the other two Parish Priests do not attend the invitation, only the Parish Priest, Camporota, will take account of the repeated offerings, and will send them for review and approval to the Diocesan. The plain Masses which will be collected on the eve and on the feast day of the Virgin of Castello, will be given to the benefit of the three Parish Priests, and of all secular priests of this parish; but the sung Masses, with emolument, on all days of the year, will be given to the benefit only of the Parish Priests and priests who are present and duly notified. Those offerings, moreover, must be used primarily for the maintenance, restoration, and sacred furnishings of the Church of S. Maria del Castello, and if those needs are exceeded, the remainder will be annually divided to the benefit of the three parishes in equal parts, provided that all debts have been paid." Furthermore, the contracting parties agreed: "The annual revenues of the three parishes and the burdens pertaining to them (excluding the maintenance of the so-called aqueduct of S. Maria, in the district of Mattina of this territory, and the payments that will be received from the farmers who use it) will be divided into three parts..."

[*Latin ed. p. 473*]

CASSANEN. 473. It was agreed that the Parishes of the Trinity and of Saint Julian would be assigned the revenues of Saint Peter, Cattolica, Santa Maria delle Grazie, Saint James, and Santa Maria delle Armi, and that the Parish of Saint Julian would receive the revenues of Saint Julian itself and of Santa Maria del Carmine, while all other revenues would remain with the Parish of Saint Mary of the Castle in San Giuseppe. Furthermore, it was stipulated that if, with the aforementioned assignments, the two Parishes

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of the Trinity and of Saint Julian do not reach an annual revenue equal to that of the Parish of Saint Mary of the Castle in San Giuseppe, the Parish Priest of the latter and the procurator designated by him shall administer the additional amount to each Parish on a quarterly basis until the balance is achieved. Moreover, it was agreed: "The real estate and the right to the payments from the users of the aqueduct of Santa Maria in the Mattina district, including the cost of maintenance, shall remain the exclusive property and possession of the Parish of Saint Mary of the Castle in San Giuseppe, and shall be excluded from this agreement. The so-called funeral fees from the parishes of all three Parishes shall be for the exclusive benefit of the Parish of the Most Holy Trinity. Each Parish Priest, for the administration of the revenue assigned to his Parish, shall propose, on the first of July next, and each year thereafter, a special procurator to be chosen from among the secular priests of this diocese, and shall send the proposal to the Most Reverend Monsignor, who will deign to approve it. At the end of each year, he shall then collect from his procurator an accounting of the management of the funds, and shall send it for review and approval to Monsignor. It is also logical that each Parish Priest directly appoint the procurator or chaplain of the respective chapels or filial churches of his Parish." Subsequently, in the year 1881, with the consent of the ecclesiastical authority, an agreement was reached among the three Parish Priests for the determination of appropriate parochial portions.

[*Latin ed. p. 474*]

474 FROM THE HOLY GENERAL COUNCIL. In the year 1901, the last parish priest of Camporota died. And the clergy, who had hitherto been ailing, presented themselves to the Bishop of Cassanen, in order that he might declare the concordat of the year 1875 to be null, since it was contrary to the judgment of the civil tribunal, and therefore that the old statutes of the year 1840, which had been put into effect in the year 1847, should be observed. – Above all, the clergy insisted that the old statutes be observed, especially with regard to the Church of Saint Mary of the Castle, which they maintained was a filial church of the Church of the Holy Trinity. The Bishop refused to examine the merits of the matter, referring the parties to the Holy Congregation [of the Council], but provisionally issued a decree on July 1, 1901, worded as follows: "That the Reverend Father De Dieco (namely, the present parish priest of the Church of Saint Mary of the Castle in San Giuseppe) must, within one month from today, irrevocably present the account of the Church of the Castle from the first day he took charge of it until the day of the presentation of the account itself; and that the discussion of the account shall be held together with the other two parish priests, De Leo and Stabile, in the presence of our Vicariate Bishop, who, within ten days, will send to this our Curia the minutes of the delivery and discussion of the accounts, as well as the accounts themselves and the supporting

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documents. Nor shall these accounts be considered definitively approved unless after a declaration signed by us or by our Pro-Vicar General." "That the Reverend Father Carmelo Gesualdo shall be provisionally recognized from August 1, 1901, as chaplain of the Church of Our Lady of the Castle, subject to being confirmed or not, after the final judgment in the dispute between the Clergy and the Reverend Father De Dieco. Gesualdo shall be installed in the new office by our Vicariate Bishop, and the same Vicariate Bishop shall supervise him in the exercise of his provisional office." "That to Gesualdo, in the possession of the Church of the Castle, the legal delivery of the furnishings of that church shall be made, referring to the inventory of the delivery previously made."

[*Latin ed. p. 475*]

CASSANEN. 475 al De Dio, adding to it any other object that had subsequently been acquired or donated to the Madonna. A copy of this inventory will be sent to our Episcopal Curia together with the deed of possession, within 10 days, by the aforementioned Lieutenant."

CONSTITUTION FORMULARY OF DOUBT BETWEEN THE CLERGY AND THE PARISH OF S. MARIA DEL CASTELLO. The procurator of the clergy, on one side, and the procurator of the parish of S. Maria del Castello in S. Giuseppe, on the other, contested the following formulation of doubt: "Whether the agreement of June 10, 1875, is valid in this case?" And the observations of the procurators are as follows:

DEFENSE OF THE CLERGY. The procurator of the clergy stated that the initial agreement could not be approved, because when, by the force of civil laws, more income is assigned to one of the Chapters or to the Clergy than it had in the past, certainly this injustice of the law must be moderated by equitable agreements and concordats. Thus reads the famous Decree *Ad dirimendas* of February 22, 1876, of this Holy See, in section 6: "Whether and how is the parish priest of a Chapter or of a body of clergy, who has received goods of the common fund from the Treasury under the title of a proper parish, obliged to re-introduce those same goods into the common fund? – Answer: Generally speaking, affirmatively; however, in practice, the Bishop should take care to settle the matter, otherwise, recourse should be made to the Holy See." And it might seem that this could apply to our case. But that is not the case, said the orator, because, as we have seen under § 6, civil law has not changed anything in our case regarding the Mass of the Church, which remains equally the only one and is constituted entirely from the revenues of all the churches: so that the Clergy equally chose a procurator to administer it. Therefore, the force of the law was not the efficient and direct cause of said agreement, but rather the bad will of the parish priest of Camporota, who invoked subversive principles in order to assign exclusively to himself what was the patrimony of the entire Clergy. With regard to the merits of the question, the advocate notes that

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said agreement did not arise from...

[*Latin ed. p. 476*]

476 From the decision of the Sacred Congregation, a judgment of lesser value, but upon which the rest is founded and according to which it is governed, so that it derives all its force from it. There, the origin and cause of the dispute are explained, and how it was defined by a civil judgment, and the same subversive principles are most forcefully repeated, by virtue of which the validity of the agreement is established. Indeed, in article 1, it is clearly stated: "The narratives mentioned above form an integral part of this agreement." For both the judgment and the agreement presuppose, above all, the suppression of the clergy, and that the parish church of Santa Maria "del Castello" still exists, under the care of the parish priest of San Giuseppe. However, the speaker insists that this does not correspond to the truth, recalling that the church of Santa Maria dei Castello is no longer a parish church, and that it is not located within the boundaries of the parish of San Giuseppe; although this occurred after the extinction of the parish church of Santa Maria del Castello. Furthermore, the advocate continues, it is a well-established principle in law that a civil suppression of the clergy has no effect on canonical matters; and there is ample opportunity throughout this Sacred Congregation, in resolving disputes, to reaffirm this repeatedly. Indeed, in the case of Platen, *Iurispatronatus*, August 12, 1882, the Sacred Congregation declared: "The aforementioned benefits should not be considered as extinct, because the collegiate church of the city of Terracina was suppressed by law in the year 1867, since it is a well-known principle in law that whatever the civil authority disposes of regarding goods belonging to the Church, it must be considered void, even if such a disposition were intended for the benefit of the Church. And this should be considered even more so in this case, since it has been ascertained that the disposition of the civil authority does not serve the benefit and good of the Church, but rather leads to its manifest detriment and prejudice." Chapters 10 of the Constitutions, chapter 12 of ecclesiastical matters, are not irrelevant; chapter 8 on arbitration; Fagnan, *in cap. Quae in Ecclesiarum*, nos. 30 and 31. The reason for this nullity lies in the fact that the laity lack jurisdiction either over ecclesiastical persons or over ecclesiastical goods, Fagnan, *l.c.*, adding: "Even if the statutes of the laity are extensive."

[*Latin ed. p. 477*]

CASSANEN. In the year 477, for the favor and benefit of the Churches, because they are nonetheless valid, even though they lack power. Piton teaches the same in *Controversiae Patron*, allegation 57, number 70, and the Sacred Roman Rota confirms this in decision 194, number 1. Therefore, if a collegiate church has been suppressed by civil authority, and the Church, exercising its power, objects to this suppression, it is clear that such

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a suppression must be considered invalid, at least in the eyes of the Church, and therefore the aforementioned benefices must be maintained as if they still existed. For that which is null is incapable of producing any effect, as is stated in I. 4 § *Condemnatum de reiudicat.*, and in chapter Illud, 8 on canonical law. It is objected that, in practice, nothing has changed by the agreement, since everything is ordered according to the ancient Statutes. But, even granting this, which is far from being conceded, the advocate replies that the clergy wishes to obey the established Statutes, not a civil agreement, and that the principle of its own obligation must be legal and canonical, and not illegal and injurious. However, the true changes introduced by the agreement of June 10, 1875, are proven by the procurator. a) By the Statutes, all the goods and revenues of the churches were common, so that one parish priest or the other could use them indiscriminately, according to particular needs. The procurator was obligated to provide for all and each without any exclusion or restriction. However, by the agreement, the goods and revenues of the churches were divided equally into three parts, and each parish priest was assigned a portion. At first glance, this division may seem to offer the greatest equity, but in reality, it is far from it. For one church may require greater expenses to maintain its worship than another; for example, in the church of the Most Holy Trinity, a conventual Mass is held daily, and there is a choir service, which do not burden other churches; or, in another church, the restoration of the building may be urgent, or something similar: thus, it is necessary to address different needs in different ways. Hence, it is clear that one parish priest may increase his own proper surplus revenues, while the other may even be lacking in what is necessary.

[*Latin ed. p. 478*]

478. The speaker further argues that it must be noted that, in this manner, the property of the Church is transferred to individual parish priests, while, on the contrary, according to verified statutes, the property ought to belong to the entire clergy. Therefore, since, in this case, the Indult is lacking, the nullity of this agreement becomes ever more apparent, even from this point. b) Another serious change was made with regard to the Church of Saint Mary of Castello. For, according to the statutes and the commendable custom, only the clergy, or a procurator elected by the clergy, performed the sacred rites there, and no parish priest could claim even the smallest jurisdiction over it. The procurator then rendered an account each year directly to the Bishop concerning the administration of revenues and the offerings of the faithful. Thus, the Bishop of Basel expresses himself in his Decree of 1874: "That the sanctuary in question is administered and served by the clergy assembled since 1840 under the exclusive dependence of the diocesan Ordinary, and therefore, legitimately, in good faith, with just title, and with all other characteristics, a firm, secure, and legal prescrip-

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tion in favor of said clergy is established." Now, on the contrary, a great disorder has been introduced by a civil agreement of 1875. The procurator is elected by the parish priest of Saint Joseph, and the parish priest of Saint Mary retains the Church of Saint Mary as his own and as a filial church; furthermore, the procurator renders an account of the administration to the same parish priest. Therefore, the speaker argues, a most grievous injustice has been inflicted upon the clergy by this innovation. – The sanctuary of the city was under the administration of the clergy; the clergy themselves were its masters and rectors; now, however, although the sacred rites are performed there, they must always be performed under the supervision and authority of the parish priest, or the procurator, who is the faithful servant and subordinate of the parish priest. – Furthermore, the advocate adds that damage has also occurred to the same Church. For, previously, everything was done under the supervision of the Bishop, who was considered the supreme lord of the sanctuary by law, and who received an account of the revenues each year. But, by means of the aforementioned disastrous agreement, the parish priest of Saint Joseph has taken the place of the Bishop, so that, from the year 1875 until today...

[*Latin ed. p. 479*]

CASSANEN. 479. The procurator has, on one occasion or another, rendered an account of his administration. Furthermore, the defender notes that in Xanten, in the year 1840, the statutes were not only approved by the Bishop at the time of Cassanen, but were also duly confirmed by the Episcopal Commission and by the Neapolitan Ecclesiastical Delegation, so that from the year 1840 until today, they have always been considered the sole governing law. Therefore, according to the defender, it could not have happened, in any way, that these statutes, so solemnly approved and promulgated, would be set aside by a simple private agreement. Moreover, the defender argues that the aforementioned agreement was initiated without any involvement of the clergy, and without their consent being required in any way. Indeed, as stated above, the first party who had the greatest interest in this matter was the clergy, to whom the statutes exclusively granted, not only the right to perform functions in the church of Saint Mary, but also the right to elect the procurator of that very church. The defender then points out that, if it is noted that the agreement was approved by the Bishop, it follows that the Bishop was compelled to approve the agreement, in order to somehow circumvent the sentence obtained by the parish priest of Camporota, contrary to all sanctions of canon law. For it was the same Bishop of Basel who issued the decree of June 2, 1874, and who was also condemned by a civil sentence.

DEFENSE OF THE PARISH PRIEST OF SAINT MARY. On the contrary, the defender who represents the parish priest of Saint Mary argues that the controversial agreement should be upheld in every way. For transac-

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tions have great value and authority in law, and they have the force of mutual renunciations by the parties involved. As taught in Chapter I on transactions and Chapter L on the cessation of litigation, in the Sixth, all of their rights are extinguished, and they give rise to an exception to the end of the litigation; and transactions initiated in good faith are not to be nullified, even if new evidence should subsequently emerge, unless first full restitution has been obtained. "Under the pretext of an instrument, rights cannot be nullified after a transaction initiated in good faith," states law 19 C. on Transactions.

[*Latin ed. p. 480*]

480 FROM THE HOLY GENERAL COUNCIL. He argues that the opponents are attempting in vain to establish a claim of nullity, for, furthermore, the advocate presents the exception of prescription. Indeed, for twenty-six years during which the transaction in question was continuously observed, the right to bring that action was lost through prescription, since it is well known, according to the Justinianic Constitution in Law 12 of the Code, Title Concerning Prescription of Long Time, that all actions are extinguished after ten years, whether among present parties or not, as in this case. Regarding the merits of the case, the advocate notes that the arguments of nullity presented by the opponents are of no consequence. Certainly, the opponents object that the transaction is vitiated by nullity because the Parish Priest of Camporota improperly appealed to the Civil Tribunal of Cassano to vindicate the possession and ownership of immovable property belonging to the Parish of Saint Mary of the Castle in Saint Joseph. However, the advocate replies that, since the Bishop of Cassano voluntarily participated in that judgment, it follows that he not only acknowledged the jurisdiction of the Cassano Tribunal, but also that the improper actions of the Parish Priest of Camporota were completely validated. Because the opponents object that the clergy of the Holy Trinity Church did not accept the transaction, the advocate responds that the Procurators Miglio and Bloise, who were elected by the clergy, were present in court to administer the affairs of all the churches of Sypha, and that the Parish Priest of the Holy Trinity Church, who, according to the form of the Statute of 1840, was the President of the Clergy, and the aforementioned Procurators, were participants in the transaction of June 10, 1875; and it is certainly inconceivable that they would have acted in such a manner against the clergy. Furthermore, the advocate notes that the transaction in question was perfectly observed by the clergy and the Parish Priest of the Holy Trinity from the year 1875, when it began, until the year 1901; therefore, it is impossible to doubt that, through twenty-six years of observance, they confirmed the same transaction. Moreover, according to the advocate, the opponents object that the nullity of the transaction in question should be

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declared due to the lack of Apostolic Approval. This is not...

[*Latin ed. p. 481*]

CASSANE*. 481. It was necessary that, in that transaction, the contract did not involve the alienation or disposal of the goods or rights of the Church, but only obligations mutually undertaken, from which the rights of the Church were in no way harmed. For the Cardinal De Luca teaches in *De canon, et Cap.*, Discourse 30, number 17 and following: "Indeed, in this concordat, or rather, in this reciprocal agreement, it is not truly necessary to have the Apostolic Approval, nor does it fall within the scope of the *Extravagantes* concerning the alienation of ecclesiastical matters. For although it is true that the disposition of the aforementioned *Extravagantes* applies even when a transaction is made between two Churches, or between ecclesiastical superiors or ministers, nevertheless it applies when the transaction involves the alienation or diminution of the goods of one Church, so that they may pass to or increase in another, because then the reason applies that one altar should not be covered up so that another may be covered. Otherwise, when a concordat is made between clerics and ministers, because then nothing is alienated from the Church itself, and its right remains intact, but only the matter of the distribution of emoluments or rights between the ministers themselves is concerned, from which no prejudice is caused to the Church, to which it is of no consequence whether one or the other of its servants and ministers receives a greater share." Nor is it otherwise, as the Rota decided in the case of *Sarsinate*, on February 1, 1822, paragraph 4, before Spada: "Therefore, having considered and understood the just cause for the agreement, the objection of the lack of Apostolic Approval is rendered useless. Indeed, if it is certain and established by law that the cleric can make an agreement regarding a pension granted to him without the license of the Pope or Ordinary. Especially in this case, because the concordat or transaction entered into does not concern the alienation of any property of the Church, but only the manner of determining whether the revenues of the Church of the Holy Cosmas and Damian are sufficient to sustain the pension. Moreover, even if something of the law were relinquished, it would nevertheless not be detrimental. For whenever it is not a matter of alienating and disposing of the goods of the Church, but only of the interest of the cleric, and of his emolument, it is not necessary to have Apostolic Approval, *Acta*, Volume XXXV, page 416, number 31.

[*Latin ed. p. 482*]

482 FROM the decrees of the Council, because the remission [of tithes] does not pertain to a prejudice of the Church, but regards a right to which Clerics can renounce. The opposing counsel continues, arguing that in the agreement, it was stipulated "that if the two parishes of the Trinity and of St. Julian do not reach an annual income equal to that of the parish

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of Santa Maria del Castello in San Giuseppe, the pastor of the latter and the procurator by him designated will administer, to each parish, the additional amount in advance, every three or four months, until the balance is reached." He notes that, although this agreement constituted a cession of a portion of the income of the parish of St. Mary of the Castle in San Giuseppe in favor of the parishes of the Most Holy Trinity and of St. Julian, it nonetheless did not require an Apostolic Brief. For, this cession concerned only small and less useful revenues, for the alienation of which all authors of Apostolic Briefs do not require it, according to canon 677 [Terrulas et Vineolas]; and it was also made for the honor of the Divine Cult, so that the Divine worship would not be lacking in those churches; indeed, so that its condition might be improved. And it is the opinion of the Sacred Roman Rota, Decree 460, Part 18, Volume 2, Recent, No. 25: "But, assuming the legality of the Chapters, there is no doubt about their relevance and validity, since they determine differences that have long been debated between those churches, although it is not stated that an Apostolic Brief is required in these agreements made for the sake of harmony between churches, and for the good of resolving long-standing disputes for the honor of the Divine Cult." Therefore, the counsel argues, the agreement or transaction of June 10, 1875, must be observed. He says that, indeed, it cannot be doubted that the agreements established in Article 3 of that contract, which relate to the Church of St. Mary of the Castle, must be observed, because those agreements are part of a valid contract. Indeed, with regard to this church, the contracting parties themselves,

[*Latin ed. p. 483*]

CASSANO ALL'JONIO. 483. With the exception of the Bishop of Cassano all'Jonio, it has been established that, after the transfer of the parish to the Church of Saint Joseph, which is a filial or subsidiary church, the parish has remained independent; therefore, neither the clergy nor the pastor of the Church of the Most Holy Trinity have the right to intervene in its affairs, but rather the pastor of Camporota has that right. Even if this were the case, the fact that no agreement was made does not mean that the statute established in the year 1840 must be restored to its previous state. For, since, due to the assignment of the clergy to the service of the Church of the Most Holy Trinity, which took place in the year 1846, the Parish of Saint Mary of the Castello lost its nature of reception and, therefore, acquired full freedom and full dominion and administration of all its property, it is clear that it can neither be nor should be subjected to those rules to which it and its pastor were subjected at that time, both with regard to the revenues and administration of property, and with regard to functions. Considering these points on both sides, the intention was to resolve the doubt as to whether the agreement of June 10, 1870, is valid in this case. RESOLUTION. The Sacred Congregation, after discussing the matter on

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January 31, 1903, decided to respond as follows: According to the understanding, the election of the chaplain of Saint Mary of the Castello shall be made by the clergy; and the accounts shall be presented to the Bishop; and with regard to the rest, nothing shall be changed.

[*Latin ed. p. 484*]

484 FROM THE DECREE OF THE HOLY CONGREGATION OF RITES, concerning Jubilations, dated February 28, 1903. Through summary petitions. On September 3, 1902, Camillo Taggi, Prelate of the Chapter of the Cathedral Church of Anagni, presented a petition to the Holy Congregation of Rites, requesting that a jubilation be granted to him, or an exemption from choral service on any day, even festive days, of any rite, stating: "...for the choral service, there remain at present ten canons and four beneficiaries, a number more than sufficient to properly perform the divine offices. Such a jubilation was granted, with the consent of the Chapter, to the late Reverend Philip Onorati, Canon of the same Cathedral, by a Decree issued on July 4, 1890, by the Holy Congregation of Rites, although the number of canons then remaining in service was smaller than the current number." The petition presented has two supporting documents; the first concerns the continuous and laudable service rendered by Camillo Taggi, either as a Canon for 30 years and one month, or as a Prelate for the last 9 years, totaling 40 years; the second concerns a similar grant made on July 4, 1890, by the Holy Congregation of Rites to Reverend Philip Onorati, Canon of the same Cathedral, even though the number of those serving was then smaller. Both documents were drawn up by the Secretary of the Chapter, appointed for that purpose, following a deliberation of the Chapter on August 20, 1902. SUMMARY OF THE FACTS. SYNOPTIC DISCUSSION. Furthermore, on September 9, 1902, the petition of the Canon Prelate Taggi, as is customary, was received by the Holy Congregation of Rites, and the Ordinary of Anagni was instructed to "examine the records and ascertain the continuous and laudable service of the aforementioned."

[*Latin ed. p. 485*]

AN AGNINA, for 40 years, and whether a grant requested would be detrimental to the choral service." The Bishop, seeking fuller information, examined the opinion of the Chapter, and transmitted that opinion, to which he adhered in all respects, to the Sacred Congregation of Rites on September 14, 1892. Furthermore, in an extraordinary chapter meeting, in which 7 canons were present, held on September 13, all the canons testified to the continuous and praiseworthy service of the choir; however, they then presented the following considerations. They state that it is false that the Prefect Taggi asserts that the number of canons is only ten, or more than the number present during the time of the Venerable Canon, who numbered eight. For, in a report from a commission held on April

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10, 1902, of which Taggi himself presided, concerning the obtaining of a dispensation from the conventual canons, the following is read in item 4: "Four of the canons of the cathedral are granted indulgences because of their teaching in the diocesan seminary; one, that is, Canon Bianchi, has been granted an indulgence for some years due to illness; and finally, the Canon Penitentiary often must be absent from the choral service to hear confessions." Moreover, according to the doctor's prescription, Canon Bonderli can only attend the choir in the morning hours, so that only six would be present in the morning if the Prefect were granted an indulgence, while in the evening, only five would be present. The Chapter adds that, for entirely special reasons, the motion to issue a vote in favor of the Venerable Canon was originally made, namely: 1. That the number of canons, as has actually happened, would be increased by two; 2. That the Venerable Canon promised to attend the choir and to provide his services for singing, as he has actually done. Furthermore, the canons note that, due to the suppression of seven canonries by laws of the chapters, which were exposed to secular power, the conventual Masses pertaining to those canonries have been celebrated by the remaining canons ever since; and the canons add: "This burden would certainly increase if the grant were approved."

[*Latin ed. p. 486*]

486 FROM THE HOLY GENERAL COUNCIL, an extremely generous indulgence is granted to the Proposit, so that the two weeks of his turn are added to the 7 weeks of the suppressed canons. In this way, the nine surviving canons (since, according to the capitular constitutions, two canons, that is, one of the subdiaconal order and the other of the diaconal order, are not obliged to celebrate and apply the conventual Masses) should, after completing their turn, which is of 9 weeks, undertake another turn of 9 weeks, thus being burdened with a double duty which they did not previously have. The canons, moreover, consider it most unjust that the Proposit has special duties assigned to him, and for this reason is granted a double stipend, while the others receive no remuneration for these duties imposed upon them. The Chapter recounts these duties of the Proposit: "Besides the double turn of the conventual offices, he has the duty of singing on the more solemn days, of performing, in place of the Bishop, in case of his infirmity or legitimate absence, and when the episcopal see is vacant; he also has the duty of moderating the singing and discipline of the choir, of participating, as head of the Chapter, in the processions, of performing in the Novena of the Holy Protector; he has the duty of presiding over the chapter meetings, and of managing the administration of the Chapter's assets. He is also an elector, and is involved in the creation and selection of officials, and is obligated to pay orders of payment, distribution sheets, and apportionments of duties, and to assist in the review of final accounts, etc."

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Therefore, the canons fear that, if the indulgence of jubilation is granted to the Proposit, the canon who is elected each year as Vice-Proposit will refuse this office, which is so odious, since it has no additional remuneration attached to it. With these things in mind, and considering the small number of servants, the Chapter believes that some damage will occur to the choral service. However, in order to consider the case in which the indulgence of jubilation is granted to the Proposit, the Chapter, in the same chapter meeting, raised this further question: "Whether, therefore..."

[*Latin ed. p. 487*]

ANAGNINA 487. The special obligations described above, pertaining to the Prepositura, in accordance with the capitular constitutions, and introduced by legitimate customs, must remain entirely the responsibility of the current Preposto. However, he shall always retain the obligation to attend the choir, even for the officiation on days when he himself must perform, to participate in processions, to assist the Bishop in Pontifical Masses, or other liturgical functions, in which the Bishop customarily provides assistance. And unanimously, the 7 present Canons, by affirmative secret votes, responded.

REMARKS FROM PREPOSTO TAGGI. To this vote of the Chapter, Preposto Taggi presented certain objections and submitted them to the wise judgment of the Most Reverend Lords.

His discourse is divided into two parts: in the first, he recalls certain principles by which the Sacred Congregation is accustomed to be guided when granting such indulgences; in the second, he applies these stated principles to the present case.

First of all, relying on the authority of Benedict XIV in *Inst. eccl.* 107, § 9, n. 64, he proposes the fundamental principle that the Sacred Congregation is accustomed to grant a full remission [of penance] to those Canons and beneficiaries who have rendered laudable and continuous service for 40 years, provided that the number of those serving remains sufficient, and that no detriment is caused to the service of the choir.

Then, he inquires how many of those serving in the Chapter must be present in order for an indulgence to be granted to one of them, and, after making the distinction between weekdays and feast days, he considers that on weekdays, a number of up to 10 servers is sufficient, while on feast days, a number slightly exceeding 10 servers is required, or at least there is no doubt that even in cathedral churches, 13 or 14 are sufficient.

From this, he deduces that to the Reverend Vincent De Santis, Canon of Anagnina, a remission [of penance] was granted, restricted to weekdays, although only 4 servers remained, due to the laws of exemption.

Furthermore, he argues that to the Canons of smaller collegiate churches, before they were suppressed, a remission [of penance] was granted not

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once, although...

[*Latin ed. p. 488*]

488. From the Sacred Congregation, it is rarely the case that more than ten servers are counted in these chapters, and furthermore, because permission was granted to the Rector of the Cathedral Church of Brictinor, although only three were to remain in the choir. Thus, the Sacred Congregation decided, as can be seen in Ripatransone, on November 29, 1710, in book VI of Decrees, as reported among the Canons and Decrees of the Council of Trent in the Richter-Leipzig edition, page 362 (there): "In the aforementioned congregation, permission was granted to the Rector of the Cathedral Church of Brictinor, despite the opposition of the chapter, which claimed that there were thirteen canons and four clerics devoted to the service of the Church, and that three of the canons were preoccupied with the care of souls, two were hindered by poor health, and one was already enjoying the granted indulgence; and furthermore, although there were nine canons, including the Rector, and deducting one who must be at the organ, another who must be at the confessional, and three others who must assist at the altar, it would be said that only three would remain in the choir – the Sacred Congregation decided – that the Rector should be granted the indulgence of jubilation." Secondly, the speaker notes that the grace of full jubilation is not only granted to Canons and Beneficiaries, but also, with greater reason, to the dignitaries of the chapter. This is evident from the very nature of jubilation, which is a vacation from work in performing service in the choir. Indeed, if dignitaries were to be granted jubilation in no way, or only partially, it would follow that those who, by reason of special duties, expend more effort, would be less deserving of a vacation from service rendered laudably. Furthermore, from the aforementioned decision of the Sacred Congregation in Ripatransone, and from another similar decree in Foligno, it is decided that the Reverend Illustrious B. De Iustis, already granted jubilation as Canon Dean of the Cathedral of Foligno, and subsequently resigned as Prior, does not require a new jubilation, but that the already obtained jubilation should also apply to his office as Prior, with the same form of indulgence being preserved in all respects.

[*Latin ed. p. 489*]

ANAGNINA 489. Thirdly, he observes that jubilation is an exemption from the burdens of choral service, and therefore this must be borne by the rest of the chapter, so that they may not be able to oppose themselves to the granting of this grace, as can be seen in one decree of the Most Holy Council of Foropompili, dated June 18, 1726, in which the Sacred Congregation judged "that the indulgence of jubilation should be granted, with the removal of the burden of the conventual Mass, which the chapter wished to add with a clause and furthermore." From this, the Prefect infers that the

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special burdens of those Dignities enjoying the indulgence, if jubilation is granted, must henceforth be borne by the others.

On the other hand, the orator demonstrates two things in his observations: first, that all possess the conditions for being granted the indulgence; secondly, that the difficulties raised by the chapter have no solid foundation. Firstly, it is abundantly clear from both the book of errors and the vow of the chapter that there is continuous and laudable service. Furthermore, according to the Prefect, the granting of this grace would not cause any damage to the choral service, due to a lack of servers. The Cathedral Chapter of Anagnina numbers 12 Canons and 6 Beneficiates. Moreover, of the Canons, one Canon, Bianchi, enjoys the indulgence due to infirmity; four, namely Anelli, Biondi, Franc. Sibilia, and Angelus Sibilia, also enjoy the indulgence due to their teaching duties. Of the six Beneficiates, one, namely Profani, enjoys the indulgence due to infirmity, while one is absent, since no apostolic dispensation has been granted to anyone, and the matter remains as if suspended. Therefore, if the jubilation is granted to the Prefect on weekdays, there remain 10 servers: 6 Canons and 4 Beneficiates; on festive days and those in which no teaching takes place in the seminary, there are 14, a number which, from what has been said, is abundantly sufficient. Finally, the Prefect responds to the difficulties raised by the chapter, and observes that, for a proper comparison to be made, the Beneficiates must also be included in the count, and a distinction must be made between weekdays and festive days. Furthermore, he affirms the current state of the Chapter.

[*Latin ed. p. 490*]

490 From the Council of Trent, based on the enumeration given above, it can be inferred that, if the Canon concerning Penance (which the speaker unjustly believes should be excluded from the number of those serving, due to the obligation of hearing confessions) is included, there are 13 serving on feast days, and 9 on other days.

OBSERVATIONS: Firstly, it does not seem to have any solid foundation, the assumption made to the Prefect, namely that the Chapter, when calculating the number of those serving, excluded the Canon concerning Penance, since the chapter members neither assert nor testify to this in any way. Approaching the matter more closely, it is worth noting that jubilation [a period of celebration] should be regarded as something precious, as it induces a diminution of divine worship, and for this reason, it must be strictly fulfilled; therefore, a continuous and praiseworthy period of service should be calculated, deducting the time of absence due to studies, even with the necessary permissions and indulgences, as declared by the Sacred Congregation in the decree *Jubilationis* of Nepeta, October 28, 1711, and it is clearly deduced from the general decrees concerning doubts about jubilation, of December 17, 1718, in the first doubt. This should be

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given even more consideration, given that the Prefect has not yet exceeded sixty years of age and still possesses full vigor. Furthermore, the Prefect is not from Anagni, and the canons fear that, having obtained the indulgence, he will return to his homeland.

Regarding the indulgence granted to Prefect Ambrose by Gregory XVI, it is noted in the rescript that caution was taken: "We grant this grace for reasons known to us, not to be presented as an example." Indeed, Prefect Ambrose had served as a General Vicar for twenty years and, through his generosity, had benefited the Church of Anagni, leaving 18,000 scudi upon his death for the construction of a new parish. However, when the conditions are fulfilled, the Sacred Congregation does not inquire whether the consent of the Bishop and Chapter is required to grant the grace, but rather it usually grants the indulgence, even if the Bishop and Chapter dissent, as can be seen in...

[*Latin ed. p. 491*]

In the year 1782, in Città della Pieve, on the 24th of November; in Civita Castellana, on the 15th of July, 1820; in Sutri, on the 21st of February, 1824; and in Firman, on the 9th of April, 1859. Furthermore, in Civita Castellana, on the 17th of September, 1842, when, due to the small number of servers, the Bishop refused to grant the indulgence to the Archpriest, which had been conceded to him, the Sacred Congregation decided that it should be "granted, with the Bishop's right to recall the server to choral service in cases of urgent necessity" being preserved. This right of the Bishop is confirmed by several decisions of the Sacred Congregation, as in one case from L'Aquila, on the 27th of September, 1659, in question 3 of book 21 of the Decrees; in Sabina, on the 3rd of October, 1717, in book 67 of the Decrees; and in Civita Castellana, on the 15th of July, 1820. Regarding the second point, namely, what number of servers is required to obtain the granting of the indulgence, no general rule can be given, but the Sacred Congregation responded: "A decision will be given in particular cases," as stated in the general decrees concerning the indulgence of the 17th of December, 1718, in question 3. Finally, it is not to be omitted that a rescript was issued in Senen, on the 16th of March, 1726, in response to the question: "Whether the indulgence for jubilation, granted formerly to Fabio Ballato, a Canon of the Metropolitan Church of Senen, would be valid for him after he obtained the dignity of Dean in the same church, in that case?" The answer was: "Affirmatively, provided he serves in the more solemn [liturgies]." With these considerations, the question was raised as to how the requests should be granted.

RESOLUTION. After deliberation, the Sacred Congregation, on the 28th of February, 1903, decided to respond: "For the granting of the indulgence,

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with the usual stipulations."

[*Latin ed. p. 492*]

492 FROM THE DECREE OF THE COUNCIL OF CAIETANA CONCERNING THE ERECTION [of a baptistery], dated February 28th, of the year 1903, according to the Sacred Font. In the mountain town of Vallecorsa, in the diocese of Gaeta, there exist three parish churches, namely the church of Saint Martin, situated in the lower part of the town, and the churches of Saint Angel and Saint Mary, located below, adjacent to the same mountain. The population extends widely, even into the plain. There is one baptismal font, which is erected in the church of Saint Martin. Today, the pastors of Saint Angel and Saint Mary request that a font be erected in each of their respective parish churches, and this request is strongly supported by the spiritual good of the faithful.

SUMMARY OF THE FACTS. A SYNOPTIC DISCUSSION. DEFENSE OF THE TWO PASTORS. The pastors of the parishes of Saint Angel and Saint Mary in the town of Vallecorsa, repeatedly requesting the erection of a baptismal font, in order that a full understanding of this matter may be obtained and a just decision made, diligently bring to the attention of the Most Reverend Fathers these four points:

Firstly, they deny that the church of Saint Martin in Vallecorsa is the mother church: they say that if this title is to be admitted, it must be considered only as an improper and honorary one, and that it should not carry with it any dependence or subordination of the aforementioned parishes, namely Saint Angel and Saint Mary, with respect to it. Indeed, they point out that the Capitular Constitutions, which provide the only document concerning this matter in these churches, refer to "Non si sa V origine * seu, fondazione di dette chiese" [It is not known the origin or foundation of these churches]. From this, they deduce that it cannot be safely asserted that the church of Saint Martin is the mother church, while the other two are, as it were, daughter churches, as the aforementioned [party] presumes. Moreover, they say that the authors of these Constitutions, in a certain way, are questioning the very origin of these parishes.

[*Latin ed. p. 493*]

In Gaeta, it appears that they have persuaded themselves that one church is in no way subordinate to the other. Indeed, these Constitutions begin thus: "In the territory of Vallecorsa, belonging to Fondi, there are three parish churches, one under the title of St. Martin, another under the title of St. Angel, and a third under the title of St. Mary"; and furthermore, no mention is made of either a mother church or of dependent churches. All the more so, since, when the Constitutions seek to determine the very nature of these parishes, if these qualities existed, they would undoubtedly have declared them openly. Indeed, when they attempt to note "it is likely

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that there was formerly only the church of St. Martin," and shortly thereafter "It is supposed that all three of these churches were established and endowed by the community," yet, despite the opportunity presented, they remain entirely silent regarding the matter of the mother church. They add that this is confirmed by the acts of the bishops of that diocese. Indeed, the first among those who speak of the parishes of Vallecorsa, and that, as was his custom, extensively, is Bishop Comparini, at the end of the 16th century. Why, when reporting that he visited the churches of his diocese, does he not speak of the mother church when he states that he visited "the parish church of St. Martin"? Why, also, when adding two priests who were to assist the pastors of these parishes, does he speak of the church of St. Martin, and of the church of St. Angel and St. Mary, without any distinction? It is written in the decree of institution: "Provision shall be made for the church of St. Martin, the church of St. Angel... the church of St. Mary." Furthermore, why, when the church of St. Martin has long been the only one located within the walls of the town of Vallecorsa, and surrounded by houses, and daily sermons are held in the church of St. Angel, just as they were when this parish was located outside the town, and its boundaries are not only not far away, but are widely open, as are the parochial boundaries of the church of St. Martin? Moreover, they add, the opponents unjustly object to what is said in the Constitutions concerning the church of St. Martin.

[*Latin ed. p. 494*]

494. From the acts of the Council, it is noted that "some have also given the name of 'mother church'." They affirm that this did not occur during the time when the Bishop was present in Comparini, that is, until the year 1598, when he, as mentioned above, called it the parish church, just like the other two. Nor, because it was later endowed with the title of "mother church," can it, according to them, be considered as such. For they say that both the parish of Saint Angel and the parish of Saint Mary originated from the same source as the parish of Saint Martin, "although they suppose that all three churches were established and endowed by the community." Therefore, according to them, none of them is a "mother church," nor should any be considered a filial church. They add that it is not surprising that the Bishop later called it the "mother church," since it is to be understood from the fact that it alone in the town of Valliscursae possessed a baptismal font. However, according to them, churches that have this font are improperly called "mother churches" (Baptismal fonts are also called "mother churches," Ferraris, Bibliotheca Canonica Ecclesiastica, art. III, n. 12). Indeed, they say that the Constitutions themselves, which refer these matters, seem to declare shortly thereafter that this title does not confer any priority on the church of Saint Martin, nor any dependence of the other two churches on it. To illustrate this point, they bring forward what

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Ferraris notes in Bibliotheca Canonica Ecclesiastica, art. III, n. 7, regarding the "mother church": "Mother churches are called those churches which have other churches subject to them in some way." This, according to them, cannot be said of the aforementioned parishes, since the Constitutions add: "But even with all this, the pastors of the other two churches have no dependence on the archpriest in matters concerning their office, exercising their pastoral functions independently of anyone; and therefore, each pastor of these three churches keeps the records of the houses, families, and souls of his parish with him, keeping the book of the Status Animarum... Each pastor also keeps with him the other four pastoral books, namely, those of Baptism, the Cresima [Confirmation], the..."

[*Latin ed. p. 495*]

Gaeta, 495, "Concerning Marriages and the Dead." Indeed, they add, the founders themselves of the Constitutions, foreseeing abuses that might arise later, decreed that this should be declared again: "In summary, with regard to the care of souls, each Parish Priest exercises over all his subjects all acts of jurisdiction, independently of the other two, in the very way in which he would exercise them if there were only his own Parish in Vallecorsa." Therefore, they infer that the possession of the baptismal font from the church of St. Martin should not be claimed, since this is contrary to both the Constitutions and established practice. Secondly, the Orators observe that what the opponents, defending the rights of the church of St. Martin, refer to, or rather, bring up, concerns the Chapter and the Confraternities, and not the parish itself. For they state that their parishes are also called "capitular," not from the beginning, but towards the end of the 17th century, namely when the assistants and parish priests of individual churches began to assist each other, and while the nature of these parishes remained the same, the sacred duties were performed in turn. Therefore, the opponents, who, in order to prove the superiority of the church of St. Martin, refer to the church of St. Michael, bring this forward, namely that the archpriest of St. Martin, on the feast of St. Michael, leads a procession to the church of St. Michael; they reply that these public supplications took place in that church after the Chapter had been established, and that these three parishes were no longer governed by a single parish priest. This, therefore, does not seem to affect the nature of the parishes at all, otherwise these supplications should also be held in the other parish, namely St. Mary's. Therefore, no such argument seems to support the opponents in defending the aforementioned claim. Furthermore, they narrate historically concerning this custom: "Protector alone until 1780, and from that time onwards, the Archangel St. Michael has been the principal protector

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of Vallecorsa, towards whom our people have..."

[*Latin ed. p. 496*]

496 From the time of the Holy Council, the devotion to this saint has been constantly fostered and flourishes even now. However, until the year 1708, there was no statue of this saint, to be carried processionally through the town on the day of the feast. The Chapter of that time, in order to make the feast of their Protector more solemn, and also as a special tribute to Him who, in so many circumstances, had miraculously defended their land, decided to go in procession with all the confraternities to the Church of Saint Angelo, on the morning of September 29th, before the sung Mass. And since it is established in the Constitutions that the parish priest of each church should precede the others in the processions that depart from his parish, so that, leaving from Saint Martino, the parish priest of that church presides. And this is so likely, although it is not found recorded in any document, that when the Archpriest arrives at Saint Angelo, and recites the prayer of Saint Michael, he lays aside his chasuble and takes his place with the others in the choir, while the parish priest of the church, and in his absence the Assistant Canon, sings the solemn Mass and presides over the other large procession. What, therefore, is the sign of the subordination of Saint Angelo towards Saint Martino in the aforementioned fact? Or rather, is it not to be recognized in it a public and solemn tribute that the clergy and the town render to their Protector?

"It is not surprising," say the Orators, "that, as the adversaries object, the blessing of the font is performed only in that church on Holy Saturday, as is the blessing of the palms, since there is found there only the baptismal font. As for the blessing of the palms, since at least five priests are required to administer this sacrament, whereas only three are established in each parish, it was certainly necessary to assign this office to one of those churches, with two others assisting, as was indeed done in the church of Saint Martino. Indeed, for the two other solemn blessings, namely those of candles and ashes, only the parish priest and two assistants are sufficient, and we see these being performed in each parish independently of the church of Saint Martino."

[*Latin ed. p. 497*]

Gaeta, 497. They also omit to mention that the festivities, rather than being held in the church of St. Martin, are celebrated in the church of St. Angel. Indeed, the principal patron is present in this church, who is solemnly venerated on two festive days, namely, May 8th and September 29th. There, likewise, at the beginning of the year, the sacred ceremonies are solemnly performed by the chapter, and at the very end of the year, solemn acts of thanksgiving are offered to God. Furthermore, the Lenten devotions towards the Sacrament in the church of St. Augustus, which are carried

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out with greater solemnity, take place there, especially on the days of the Nativity of the Lord, Easter, and Pentecost. To what the adversaries object, namely, that the church of St. Martin supplies oil to the aforementioned parishes for the Sacrament, they oppose what is read in the Constitutions: "Every parish keeps the most holy Eucharist in its church, before which a lamp burns night and day at the expense of the Brotherhood of the Most Holy [Sacrament]; (which, they claim, is found by chance in the church of St. Martin) which also provides the lamps when they are taken to the sick, and gives the candles of virgin wax for the main altar, and those for the Sepulcher in every church on Holy Thursday and Good Friday." Therefore, they argue, since the church of St. Martin also has both oil and wax from the same Brotherhood, how can it be asserted that it supplies these things to others? Moreover, they say, should not the Brotherhood itself, if this were admitted, enjoy the benefit of being the mother church, since it provides the hearse to three parishes for the transportation of corpses? They also claim that there is no jurisdictional difficulty, as the adversaries bring forward, regarding the fact that the parish priest of St. Martin exercises jurisdiction over two houses, and indeed small ones, located in the parish of St. Angel; whereas, on the contrary, the parishes of St. Angel, which are located in the parish of St. Martin, encompass an entire section of the town (a district). Furthermore, they argue that the parish of St. Martin would unjustly be granted the title of mother church, according to the adversaries, because those who are newcomers and reside in the town of Valliscursae for the first six months of their stay are considered to be subject to the parish of St. Martin. This is indeed recorded in the Acts, Volume XXXV, page CDXVI, line 32.

[*Latin ed. p. 498*]

498. "The orators assert that it is necessary to reconsider the matter concerning the Council, based on a certain agreement initiated among three parish priests of the same town, with the aim of preventing confusion in identifying their respective parishioners, and also to provide a suitable time for acquiring a dwelling. Indeed, these Constitutions stipulate: 'If a citizen moves to reside from one parish to another, if less than six months have passed, he is considered to belong to the parish in which he previously resided.' They also claim that nothing should be done regarding what the opponents add, namely, to rescind the mutual agreements currently existing between the parishes, once a baptismal font is granted. They affirm that this is merely a thought that wanders in the minds of the opponents. They say: 'It is a childish scare tactic and nothing more. For today, the feasts of the Epiphany, Easter, Ascension, Pentecost, All Saints, and Christmas are celebrated indiscriminately in all three parishes, and yet the agreement established by the Constitutions is not broken; therefore, it will not be broken when each parish possesses its own baptismal font. Just as the morning

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prayers of Christmas and the Feast of the Dead are recited independently in each parish, and the agreement determined in the Constitutions endures, so too will it endure when each parish administers baptism in its own church. Just as the functions of Holy Thursday and Good Friday are performed independently in each parish; the candles and ashes are blessed on the days established by the Church, and yet the alternation and reciprocity established for the remaining functions of the year are not diminished; so too will it not be diminished when each parish attends to the blessing of its own baptismal font on the two Saturdays of Easter and Pentecost. Let our opponents remember that, as long as they adhere to the Constitutions, no one will invoke division. Those norms are too wise to be undone.'" Thirdly, the orators declare how and in what way the church of Saint Martin in the town of Valliscursae possesses a baptismal font. They repeat this first from the place where the aforementioned church...

[*Latin ed. p. 499*]

Gaeta was situated in the year 499. Indeed, since the older part of the town, Valliscursa, was occupied by the inhabitants, and was enclosed by walls and gates in order to protect it from frequent attacks by robbers, we know that only the church of St. Martin existed within that area at that time, and that the other two churches were located outside the walls, in the countryside. The Constitutions state: "Only (St. Martin's) is seen situated within the oldest part of the town, while the other two are located outside the gates, which even today retain the name of 'Old Gates'." Consequently, the houses of the inhabitants, under the jurisdiction of the parishes of St. Angel and St. Mary, were located quite far from their own church, since everyone was found around the church of St. Martin. Therefore, what is surprising is that the people more easily went to this church, being closer, to receive baptism, especially since, with the town gates closed at night, it was quite impossible for those who belonged to the parishes of St. Angel and St. Mary to reach their own parish. The Orators also state that there was no difficulty in erecting a baptismal font there, at the expense of the municipality, either in the church of St. Martin alone. They assert that this should be repeated because, at that time, only the church of St. Martin offered a convenience to the townspeople, and because the municipality itself, to whom the burden of the patronage was entrusted, considered it best to erect only one font there, taking into account the small number of inhabitants and the limited income at that time. Indeed, it is known that the town of Valliscursa today consists of more than perhaps six thousand citizens, while in the past century it numbered almost two thousand citizens, so that it can be inferred that about five hundred people lived there six or seven centuries ago, for whom, therefore, a single font was certainly sufficient; although that same font did not belong exclusively to the church of St. Martin, but the other parishes also had equal right to use it. In this

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sense, the words in the Constitutions should be interpreted: "Every parish priest has the right to baptize the children born in his parish in the only baptismal font."

[*Latin ed. p. 500*]

500 FROM THE DECREES OF THE COUNCIL OF TRENT, etc. ». To this right, the Orators add that they can, and indeed ought, to send a messenger, since the well-being, both physical and moral, of the parishioners is most closely connected to them. But what is read in the Constitutions: "On the two Sabbaths [Easter and Pentecost], both the Abbot of St. Angelo and that of St. Mary have the right to take a vessel of blessed water from the baptismal font," what else do these words seem to signify, if not that the same font is materially one, but formally threefold? To prove this, they offer the practice of administering baptism, which has been in force for many centuries, and note: "When it is necessary to administer baptism to a child of the Parish of St. Angelo, the Parish Priest of this parish establishes the time, unless a danger of life advises otherwise. He then departs from his church, accompanied by his sacristan, who carries the alb, stole, and ritual, and goes to St. Martino. After administering the baptism, he alone registers it in the appropriate pastoral book, which he keeps with him. The same candle that is needed for the ceremony is purchased by the godfather in the parish of the newborn child, and therefore goes to the exclusive benefit of the baptizing priest, even when he delegates others to administer this Sacrament. The bread offered, because a portion of it is used by the priest to purify his fingers, also goes to the benefit of the sacristan of the parish to which the neophyte belongs. Even that small gratuity which is sometimes given by the godparents is due to the same sacristan. Although, therefore, the baptism is held at St. Martino, neither the priest of this church, nor anyone else, ever receives anything, and the same Archpriest of St. Martino cannot baptize a child of another parish in his own church, without the permission of the priest of that parish." Therefore, since the parish priest of St. Martino has very little power to indiscriminately baptize all children, that is, those subject to other parishes, nor to record their names in a single book, nor to receive any emolument or any kind of right...

[*Latin ed. p. 501*]

In Gaeta, they assert that the very nature of the matter makes it impossible to safely verify the records of the parish. In Quarten, they finally observe that the inconveniences or evils arising from the present state of affairs are so grave, constant, and widespread that they demand a sudden and necessary remedy. For, they say, every human law, even an ecclesiastical one, loses its force when it is harmful to a large part of the community. But they affirm that this is happening in the present case. To this end, they present numerous signatures of parishioners from both the parish of Saint

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Mary and that of Saint Angel, complaining about this matter and seeking appropriate remedies from ecclesiastical authority; they also present the testimony of the Archbishop of the Diocese of Gaeta, which, as they claim, has been strongly endorsed by the Sacred Congregation. Meanwhile, they observe that the church of Saint Martin is located on the summit of Colle, and that the roads leading to it are extremely difficult, being steep and winding, especially in winter. Furthermore, due to the harshness of the weather, greater inconveniences arise, as rains flood the town and snow accumulates, and the wind rages. All of these things, they say, present a great difficulty even for those of mature age and in good health; what, then, can be said about newborn infants who are to receive the sacrament of baptism? In contrast, they observe that the church of Saint Angel is located in a more convenient place, and is very close to the houses. Moreover, those going to the church of Saint Martin must pass near the churches of Saint Angel and Saint Mary. Regarding the description of the topography of Colle presented by the opponents, the Orators observe: "That map needs explanation. Many houses that are shown within the boundaries of Saint Martin are not habitable, because they have been reduced to simple use as barns and sheds. The roads in a town are very different from the markings that are reproduced on a map; the twists, the rises, the slopes..."

[*Latin ed. p. 502*]

302 From the mind of the Most Holy Council, as these things are depicted on the map: The roads do not follow the direction of the rays; the two sides of our hill are not level nor at the same height as the ridge, but are on a very steep slope, which necessitates a long curve to ascend to the top. Some buildings that appear within the boundaries of St. Angelo and St. Maria are also a barn and a shed. There are a few that are inhabited, but the number will not exceed three. And even these three dwellings cannot be said to be definitively subject to St. Martin; indeed, they add, "The Constitutions speak of houses scattered in the fields, granting the Bishops the power to assign them to the nearest parish." "It should also be known that in recent years, many suburban houses have been built and located outside the boundaries of the territory, and if these were ever inhabited, disputes would arise between the parish priests, since some of these houses are closer to the church of St. Martin; others are closer to that of St. Angelo; and others are closer to that of St. Maria. Therefore, it is expected that the Monsignor will declare to which church they belong, so that in case of need, no dispute arises between the Curates, and the inhabitants of these houses will know who their parish priest is, and in which church they are obligated to attend the Holy Sacraments, etc., etc." Therefore, since the current Bishop has not yet made any decision regarding these matters, these families strongly request that they be attached to the parishes of St. Angelo or St. Maria, as they are the nearest. They assert that it would not

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be just if many others were forced to suffer this loss, because those three houses, which contain approximately fifteen inhabitants, should still be subject to the parish of St. Martin. They also do not omit to mention that the parish priest of St. Martin himself has brought up the difficulties of these roads, as well as the distance from the aforementioned church, when it was a matter of requesting an assistant from the Sacred Congregation; and also, whenever these parishioners, and others, have complained about his negligence in his pastoral duties.

[*Latin ed. p. 503*]

GAETA 503: The aforementioned grievances have been brought to light. Those presenting their petition conclude by stating that they earnestly pray that these evils may be continuously deplored and remedied, since a large portion of the people reside in the plain, and therefore the indignation of the parishioners increases day by day, to the extent that some postpone the very reception of baptism for weeks, and even for months. Finally, ten families who own houses in the plain and are within the boundaries of the parish of Saint Martin, each attest that, due to the excessive distance, they never have access to the Church of Saint Martin, but rather have the Church of Saint Angel as their parish church, to which they wish to be assigned and request: these duly signed attestations are found in the records. On the other hand, the Archpriest of Saint Martin, contradicting these petitions, argues first that his Church, by right, holds precedence over all of Valliscurtia. To demonstrate this, he recalls certain specific rights with which his Church is endowed. Among these rights worthy of mention are: jurisdiction over foreigners, even those residing within the territory of other parishes, who have not resided there for less than six months; precedence in supplications; the blessing of the palms; and, finally, what is most relevant to this matter and is the principal sign of parish status – the exclusive right to erect and bless the holy font, to which other parish priests must have access. This parish status is confirmed by ancient tradition, strengthened by the testimonies of witnesses (n. 1690), and by certain inscriptions found within the church itself. Therefore, the Archpriest concludes, the right to the font belongs to his Church. To grant it to other requesting churches can only be done as an act of grace. However, the Archpriest states, there are no legitimate and urgent reasons for such a grant; indeed, if these reasons are lacking, not only will the erection of a holy font be denied to dependent churches, but also to independent churches, especially where custom is opposed. What legitimate and urgent reasons must be present, according to certain decrees of this Holy Congregation, S. C. C. on January 24, 1885, as cited by the petitioner: these are 1) that each pastor may administer the

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Sacraments to his own people, 2) nota-

[*Latin ed. p. 504*]

504. The distance between the places, the roughness of the road, and the serious difference in the lives of the children to be baptized during the winter season. All of these, according to the Archpriest, are lacking in this case. And indeed, the first reason given in Vallicurtia does not apply, because there, each parish priest administers baptism to the children of his parish, even though he must do so in the Church of St. Martin, and each keeps the baptismal records in his own parish. Furthermore, the Archpriest continues, there are no distances and roughness of places, nor a difference in the lives of the children. For Vallicurtia, in truth, lies on the slope of the Mons and rises above the sea at an altitude of 350 meters. It is surrounded on all sides by Mons, except for the side that faces the north. If it ever snows, which rarely happens, the snow melts quickly due to the mildness of the air. Furthermore, the Archpriest continues, the distance between the Church of St. Martin and the two other parish churches is barely one hundred paces, as can be seen from the map that exists in the records. The roads are very easy, for: "The roads are divided into many terraces separated by embankments, the slope of which, on average, does not exceed thirty centimeters in height: and this greater slope is only found on the road that leads from the chapel of St. Angelo to that of St. Martin. The difference in elevation of this road barely reaches thirty meters, which, divided into terraces, have an average height of 10 to 20 centimeters. We have said on average, because, except for those few terraces that lie between the Vicolo Fiore and that of Riccardi, the others, both because of the gentler slope of the hill and because of the greater extent of the terraces, have an even smaller slope. This road that leads from St. Angelo to St. Martin is the most internal of the town, the main one, the widest; so, by antonomasia, it is called the Via Grande: and, except for a small curve, it is the most direct in the town. This road, since 1869, has been made much easier, and drains have been opened in it (as in the others) to divert the rainwater." Therefore, considering also the Church of St.

[*Latin ed. p. 505*]

GAIETANA 505, being situated in the center of the city, certainly presents no inconvenience for citizens who bring children for baptism. The Archpriest recounts that the erection of a font of the Sacred Congregation was denied to a certain church in the city of Itri, even though the distance between the parish church and the chapel there was almost the same as in our case, but there was great difficulty of access and the force of the winds. If, however, the concession for the font were ever granted in that city, even to a church that was not a parish church, it was a thousand paces from the parish church; and there were many inconveniences due

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to the length and roughness of the roads, which are entirely absent here. In that place, the priests themselves, along with the citizens, testified to great inconvenience. In our case, however, the Archpriest continues, while the priests testify to an inconvenience, the citizens come very early in the morning from neighboring parishes to attend Mass; and the priests themselves frequently meet there to perform capitular duties. Therefore, the reasons presented in the petitions for the parishes of Saint Mary and Saint Angel to obtain a font are clearly false; and, the Archpriest says, it is greatly to be feared that those who make the requests intend to do harm to the Church of Saint Martin, rather than to promote the good of souls. Furthermore, the Archpriest continues, it cannot be denied that sometimes the administration of baptism may be delayed for a few days in Valliscurtia; but when this happens, it is certain that the cause of the delay is not due to anything presented by those involved, but rather that the ceremonies must be completed after the sacrament has already been administered by midwives, or that the godparents are citizens who are expected to arrive from neighboring villages, or even that the mother herself wants to be present at the baptismal celebration. These abuses have often been, but in vain, reproached by the Archpriest of Saint Martin. Nor should we delay in refuting the other reasons that have been put forward, the Archpriest continues. For the serious expenses incurred by the changed condition of many citizens cannot be verified in the case of Piano; because if in the parish church of Saint Angel...

[*Latin ed. p. 506*]

506. Furthermore, the expenses do not diminish because children are brought to the church of St. Mary; indeed, if there is any disgrace in poverty, it is increased: for access to the church of St. Martin is open through remote and even exterior roads; whereas, to the church of St. Mary, and especially of St. Angel, it is impossible to access without passing through streets more frequented by the commerce of citizens. Finally, it clearly appears to be neither true nor likely that the municipality has, for economic reasons, established only one source [of water] (in the church of St. Martin). For the municipality, as is evident from its constitutions, provides all that is necessary for divine worship: and with such generosity that it has truly built and equipped rural churches for the good of souls. Who would believe that it incurred expenses only when it was a matter of establishing a source in the other two churches? And even more so, because there are absolutely no expenses for the maintenance of the sources. Finally, the Archpriest recalls that in the year 1834, a baptismal font was erected in the church of St. Angel, and that this was reported to the Sacred Congregation [of the Council], and that it was located far away: which certainly suggests that it should not be erected today, since the same circumstances are present. With these observations, the question arose as to what should be answered

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in prayer. RESOLUTION. After deliberation by the Sacred Congregation on February 28, 1903, it was decided to respond: Regarding the permission requested, nothing will be changed concerning the religious functions and the blessing of the font on Holy Saturday, which, according to custom, will be performed only in the church of St. Martin.

[*Latin ed. p. 507*]

507 FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS OF PATTI. INTERPRETATION OF A JUDGED MATTER. On August 22, in the year 1902. SUMMARY OF THE CASE. In the town commonly called Saint Fratello, in the diocese of Patti, there exist two churches with their respective clergy, one of which is called after the Blessed Virgin, and the other after Saint Nicholas. Between the two clergy, questions arose concerning privileges, and especially concerning the patronage, that is, to which church the greater secular privileges belonged. Since the authority of the Ordinary was unable to restrain these disputes, the controversy was finally brought before the Holy Congregation of Bishops and Regular Canons, which, on March 18, 1879, in response to the proposed question – Whether and how the church of Saint Mary should be maintained in its rights and privileges – answered that nothing should be altered, and that the intention was: that when the archpriestly church of Saint Mary was vacant, the titular parish priest of Saint Mary, who governed both of the aforementioned churches, the Bishop should proceed to establish two new boundaries, and create two independent parish priests. To carry out this resolution, the Bishop of Patti, after the vacancy of the parish, proceeded to determine the boundaries of the two parishes, obtaining approval not only from ecclesiastical, but also from civil authority, and on March 28, 1882, after a meeting held with the two resigned parish priests, he issued the bulls of appointment. However, when in the bull, the parish priest of the church of Saint Mary was adorned with the title of Archpriest before the parish priest of Saint Nicholas, this greatly displeased the clergy of Saint Nicholas, who contended that the Bishop had not established two truly independent parishes, according to the intention of the Holy Congregation. Then, the Holy Congregation, considering it expedient to remove all discord, decided to grant the title of Archpriest also to the parish priest of Saint Nicholas. But even this prudent arrangement did not restore peace between the two clergy, since new and bitter...

[*Latin ed. p. 508*]

From Canon 508 of the Decrees of Bishops and Religious, disputes arose concerning the jurisdiction of the mother church and other privileges. Therefore, the Holy Congregation ordered that these secular disputes be resolved by presenting the case before it, with the following questions

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formulated:

I. Does a legally established right to the patronage or major jurisdiction in favor of the Church of Saint Mary exist in this case? And if not, then:

II. In whose favor does the patronage or major jurisdiction exist in this case?

III. What rights are due, besides the rights of the declared mother church in this case?

IV. In what manner should the title of Archpriest of the parish of Saint Nicholas be observed, after the declaration of the mother church of Saint Mary?

V. Should the relics of the Holy Patrons, along with the image and sacred ornaments, and with the exclusive right to hold processions through all the streets of the town up to the church of Mont, be transferred to the church of Saint Nicholas?

VI. And from what time should the church of Saint Mary pay the annual canon of 20 ounces to the church of Saint Nicholas, or rather, restore a quarter of the land of Fondi in this case?

VII. Is there a place for a new agreement between the two parish churches?

These questions were answered on February 28, 1890, as follows:

- To I: Affirmative.

- To II: Affirmative, as stated in the first question.

- To III: Affirmative, regarding the ringing of the bells on Holy Saturday only; and, if the clergy of both churches agree to any ecclesiastical function, also affirmative regarding the precedence of the clergy of the mother church, otherwise remaining as determined by the decree of June 1, 1883, regarding processions.

- To IV: Affirmative, for honor's sake only.

- To V: Negative.

- To VI: Negative in all respects.

- To VII: Negative, and furthermore.

However, this supreme resolution did not put an end to the controversies between the two clergy. Indeed, as it appears from question V, the clergy of Saint Nicholas not only claimed the relics of the Holy Patrons, but also the exclusive right to hold annual processions with these relics up to the church of Mont, where they were found. But since the Holy Congregation...

[*Latin ed. p. 509*]

PATTI. In response to a negative query, it was determined that the relics should not be transferred with exclusive rights to conduct processions, but the clergy of Saint Mary asserted that this right belonged exclusively to them, and that custom had established this practice; upon the clergy of

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Saint Nicholas appealing, the question had to be reopened for clarification regarding the interpretation of the fifth query. A summary of the DEFENSE of the clergy of Saint Nicholas: Here, through their advocate, they argued that the claim of the mother church to exclusively conduct the processions of the Saints' Patrons could not be founded either in the decision of the Holy Congregation of February 28, 1890, which was soon reported, nor in the decree of the Bishop of Patti of June 1, 1883, and therefore should be rejected. Indeed, in the matter raised concerning the matriarchy and privileges of the two churches, the clergy of Saint Nicholas requested that they be granted the exclusive right to perform the processions of the Saints' Patrons, as is evident from the fifth query mentioned above. Since this exclusive right was denied to them by the response of the Holy Congregation, it does not follow that it was granted to the opposing party; otherwise, a concession beyond what was requested would have been granted, which is contrary to equity and justice, to which the decisions of the Holy See are always presumed to conform. Furthermore, it is argued that the clergy of Saint Mary did not request this exclusive right because the patron of that church at that time proposed to the Holy Congregation that the aforementioned processions be held alternately by the two clergy. Moreover, this exclusive right is opposed by a custom that is more than centenaria, the force of which no one who has touched upon the law of canon has ignored: see Beiffenstuel - Canon Law, title IV, on customs, no. 194. Therefore, the advocate concludes: if, according to such a custom, it was declared that the relics of the Saints' Patrons should not be transferred to the clergy of Saint Nicholas, because they were not found in their possession, then, by the same reasoning, it is just that the right to perform the processions together with the clergy of Saint Mary be maintained, since this right, like a possession of more than centenaria, works in their favor. Furthermore, according to the advocate, the opposing party is not supported by the decree of the Bishop of Patti of June 1, 1883. For by it, it was stipulated that the functions and processions should be performed by the respective parish priests within the limits of their own parish.

[*Latin ed. p. 510*]

310. This was most consonant with the law of the Sacred Congregation and the regulations, because it is not permitted to any parish priest to encroach upon the jurisdiction of another; but in this decree, the processions of the Holy Patrons could not be included. Indeed, this is evident first from the preceding statements and the context of the decree itself. Before the division of the parish, there existed various agreements and observances among the clergy of the two churches; certain functions and processions were performed by one clergy, and others by the other. After the establishment, in the year 1882, of two parishes, according to the prescription of the Sacred Congregation, the existing statutes and observances ceased to be

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in force, as they were no longer useful, as the Bishop stated in his decree. Hence, a new law was established; but this could not be extended to the processions of the Holy Patrons, first, because these are not mentioned in the decree, and second, because this would have been to derogate from a common law, which exceeds the authority of the Bishops. In truth, according to Pignatelli, volume IV, consultation 30, and the Sacred Congregation of the Council in Fano, on February 6, 1590, and November 13, 1600, the clergy of other churches can indeed participate in the procession of the Patron, but they can also be compelled to do so under penalties, as held by the same Sacred Congregation on May 19, 1818. But for the clergy of Saint Nicholas, there was a special reason, namely, the fact of a custom that had lasted for more than a century. The Bishops of Patti had, since the years 1607 and 1724, decreed that the feasts of the Holy Patrons in the months of May and September should be celebrated jointly by both clergy. Over time, after these decrees, disputes arose regarding other functions, but not regarding the manner of celebrating the aforementioned feasts, which always remained unchanged, as they were established by ancient agreements and decrees. Moreover, the advocate added, in the very Episcopal decree of June 1, 1883, this custom seems to have been preserved by these words: "However, with the present decree, we do not intend to diminish any rights and privileges that exist in practice." Indeed, in this sense, both clergy interpreted this from the date of its publication until the year 1886, when the clergy of Saint Mary claimed for themselves the exclusive right to perform these processions. Finally, the advocate pointed out that in the resolution of the third doubt in the aforementioned case of February 28, 1890, it was added: "Nevertheless, the aforementioned decree of June 1, 1883, remains firm as regards functions and processions." However, according to legal practice, if the cited decree included the processions of the Holy Patrons, the response to the V. doubt would have been different.

[*Latin ed. p. 511*]

PATTI. 511, following. Regarding processions of the Holy Patrons, provision is made in the third [section]. Therefore, the opposing party contradicts the decree of the Bishop of Patti of June 1, 1883, as well as common law and the resolution of the Holy Congregation. FOR THE CLERGY OF THE CHURCH OF THE HOLY MOTHER OF GOD. On the other hand, having previously stated that after the resolution of the Holy Congregation of February 28, 1890, processions with the relics of the Holy Patrons were always held by the Church of the Holy Mother of God, the clergy of this church maintain that this right should be exclusively granted to them, and that the claimed participation by the clergy of Saint Nicholas directly contradicts the decision of the Holy Congregation of April 4, 1879, and with the decrees of the Bishop of Patti of March 13, 1882, and June 1, 1883, as well as with the most recent decision of the Congregation of

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February 28, 1890. In truth, the Bishop of Patti, following the order of the Holy Congregation of April 4, 1879, divided the territory into two parishes, autonomous from each other, on March 13, 1882, and both of these were also adorned with the title of Archpriest, in order to completely extinguish the animosity between the two clergy; but since questions arose concerning functions and processions due to already unusual customs, the Bishop of Patti considered it best to resolve all disputes by separating the functions and processions of each church, so that these would not extend beyond their own churches and respective territories: this arrangement, as well as receiving the sanction of political authority on November 16, 1883, was also strengthened by the response of the Holy Congregation of February 28, 1890. It is evident, therefore, that since the relics of the Holy Patrons belong to the Cathedral Church, the solemn carrying of them in procession also pertains exclusively to that church; if this right were granted to the clergy of Saint Nicholas, it would undermine the autonomy of the Cathedral Church, it would constitute an invasion of the jurisdiction of the other church, and the independence established between the two churches by the orders of the Holy Congregation, for the sake of fostering peace between the two clergy, would be dissolved. Therefore, with good reason, the Holy Congregation, in its resolution of February 28, 1890, in response to the third question, wished to confirm the episcopal decree of June 1, 1883. - I, for my part, maintain the aforementioned.

[*Latin ed. p. 512*]

51 2 EX S. C. EPISC. ET REGUL. concerning functions and processions, by Episcopal decree of June 1, 1883. It is objected that the Archpriest of the Church of *Matricis* understands the Bishop's decree to pertain only to particular processions, and not to common ones, such as those of the Holy Patrons. However, this distinction, besides being contrary to the very context of the decree, directly contradicts the substantial disposition of the decree itself, which intended to establish independence on both sides. This argument has been recognized by the very opponents, and to evade it, they have proposed a certain semblance of concord between the two clergy, namely, an alternating arrangement in the performance of processions. However, the clergy of the Church of *Matricis* does not believe that it should consent to such a concord. I. Because the Church of Saint Mary would be obliged to hand over the relics of the Holy Patrons for a procession, to which tradition it is not bound according to the resolution of the Holy Congregation. II. Because there is a well-founded fear that quarrels and discord could again be aroused by such a tradition and concession; therefore, the clergy of Saint Mary requests that the contrary petition be entirely rejected. These are the rights, briefly summarized under both sides, to resolve the following:

A doubt arises: Whether, by virtue of the sentence issued by the Most

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Holy Congregation on February 28, 1890, the Church of *Matricis* has acquired the exclusive right to perform the processions of the Holy Patrons within the limits of its territory, or rather, whether the feast and processions in question can be celebrated by both parish churches according to the practice established from time immemorial.

RESOLUTION. After carefully considering various reasons, the Sacred Congregation of Bishops and Regulars responded on August 22, 1902: Nothing should be changed regarding the practice used since the year 1900.

[*Latin ed. p. 513*]

513 FROM THE HOLY CONGREGATION OF THE COUNCIL OF FIESOLE, CONCERNING THE GRANTING OF A PENSION, BY THE PATRON'S FAVOR, dated 6 September 1902 and 28 February 1903. A SUMMARY OF THE CASE. Lady Maria Digerini, Countess of Nati, widow of Count John Piccardi, who possesses the right of patronage over the parochial benefice of Saint Pancratius, in the village of Sabbioni, in the diocese of Fiesole, and whose pastor died on 28 September 1901, presented a petition to the Holy See on 25 April of the same year, imploring that, considering her needs and the outstanding merits of her late husband towards the Church and religious persons, she might be granted an annual pension to alleviate her own needs. She stated that she had become the sole patroness by virtue of the properties assigned to her, after the division of the family estate, in the place of Saint Pancratius at Sabbioni, and that the benefice was a substantial one, because, as she herself asserted, in addition to a fixed income of 3,900 livres derived from agricultural produce, she also had an income of 2,000 livres from a certain lignite mine, so that she could easily bear the burden of the pension. She asserted that the cause of her miserable condition was the expenses incurred for her own dowry and other properties (amounting to approximately 40,000 livres) in order to preserve and save the patrimony of her husband, who, while still alive, had devoted himself entirely to the protection of religious congregations and institutions, and had not hesitated to provide for this at his own expense. For this excellent and most pious man, wisely using his political authority as a municipal and provincial councilor, and supporting the Franciscan Friars Minor residing in the Convent of Vivaio at Incisa, and the...

[*Latin ed. p. 514*]

514 FROM the decrees of the Council concerning the endowments established in the place of Monteu da Po, and the Sisters of the Most Holy Cross, and those of Saint Mary Magdalene, were protected; of this outstanding work, the Holy See was, among others, a witness, as it is evident from a Brief of May 10, 1892, by which it bestowed the distinguished title of Countess. Therefore, she humbly requested the continuation of the pension, in

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order, at least in part, to pay the debts incurred by her husband for pious purposes. As was customary, she submitted these requests to the Bishop of S. C. C. for information and consideration, ordering that, after hearing the parish priest, if a benefice had been provided, or otherwise, the appointed defender of the parish, in office, he should report on the active and passive state of the benefice, and on the legitimate cause of the petition. The Bishop followed these instructions, and it will now be helpful to report on the information transmitted by him. Here, preceding the report, is Countess Maria Digerini Nuti, who undoubtedly, as she demonstrated, was the true and sole Patron of the benefice of Saint Pancratius at Sabbioni. Attached is a memorandum drawn up by the aforementioned defender on December 18, 1901, when the parish priest had already passed away; from which it is clear that the total active assets consist of 8997 florins and 64 centesimi, while the passive assets amount to 5562 florins and only 39 centesimi; from which, subtracting the passive assets from the active assets, there remain 3435 florins and 25 centesimi. Now, the content of the report made by the defender of the benefice in office: "Although the beneficial patrimony of the parish church of Saint Pancratius is, for local reasons, already one of the best in the diocese of Fiesole, I still believe I am obliged to make some observations regarding the scope of the document that Your Excellency has deigned to submit to me: 'Observations on certain sources of revenue.' — It seems to me that the annual revenue from land holdings of 4500 florins is excessive: 1st, due to the large expenses that modern agriculture now requires; 2nd, due to the current depreciation of agricultural products; 3rd, due to the occasional disasters that often occur."

[*Latin ed. p. 515*]

Fiesole 515. Io reputo che, in media, la somma di 4000 Lire sia sufficiente per i beni suddetti. "Ricordo inoltre l'osservazione dell'Eco. Vostra la rendita di 5000 Lire per le concessioni dell'escavazione della lignite: 1.° Perché il Rettore *pro tempore*, per disposizione governativa, deve trattenere per sé sole 2500 Lire, e deve poi versare le altre al Regio Economato, affinché siano reinvestite in tanta rendita del Debito Pubblico, che si accumula annualmente con vantaggio per il Beneficiato. Laonde (se l'autorità governativa non varia questa ingiunzione imposta), questo cespite di rendita, invece di 5000 Lire, è di sole 2500 Lire, a vantaggio del Parroco. 2.° Siccome, ogni giorno, a causa della continua escavazione, diminuisce la produzione delle cave, non vi è da sperare di poter rinnovare il contratto di affitto a un prezzo così elevato."

"Osservazioni ad alcuni cespiti di uscita. Trovo insufficiente la somma di 600 Lire per il mantenimento annuale del Beneficio: 1.° Perché con questa somma si deve provvedere al mantenimento di 4 poderi e altre terre; 2.° al mantenimento di 4 case coloniche, della vasta canonica e della chiesa parrocchiale; 3.° ad una qualche retribuzione all'amministratore, giacché il

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Parroco da solo non vi può attendere, né è decenza che vi attenda. Laonde non credo che sia troppo elevato questo cespite di uscita portandolo a 1000 Lire."

"Inoltre, siccome nella portata qui annessa non si fa alcuna menzione di altre uscite necessarie ed inerenti all'ufficio parrocchiale, credo conveniente esporle all'Eccellenza Vostra, affinché non risulti effimera e troppo appariscente l'entrata netta del Parroco, su cui deve basarsi il concetto per l'assegno della pensione richiesta. Perciò ritengo doversi aggiungere le presenti uscite: 1.° Per il mantenimento del Parroco, che ha l'onere di tenere il Cappellano per il servizio del popolo, 1500 Lire; 2.° Per la soddisfazione di obblighi, spese di culto ed elargizioni ai poveri, 500 Lire."

[*Latin ed. p. 516*]

516 FROM THE HOLY GENERAL COUNCIL: "Finally, in order to better consider the proportion between the income and expenses of this benefice, I have appended a statement prepared by me, based on the observations presented, which results in a net income surplus of 3435.25 lire. This sum should serve as the basis for the requested pension. Therefore, I am of the opinion that, if the competent authorities give their consent, the pension requested in favor of the noble Lady Countess Digeriti Nuti, widow Piccardi, should not exceed the sum of two thousand (2000) lire per year. And since the greater portion of the income of this benefice consists of the excavation of lignite, which is therefore very fluctuating and precarious, the pension must be absolutely personal to the petitioner, without the right to extend to subsequent patrons."

Meanwhile, the patron, who has already presented a new parish priest, the Reverend Narcissus Palviani, prays that an annual pension of 3000 lire be granted to her, and also that she be permitted to cut down certain trees, oaks, estimated at 8,000 lire, on the lands belonging to the benefice, in order to alleviate her own economic needs and to pay various debts, primarily to repay to the Most Reverend Sisters the sum of 20,000 lire that was lent to the Piccardi family; and of these, 10,000 directly to the Countess, and the remaining 10,000 to the deceased Corniti; also, to fulfill a certain endowment for Masses founded in the Cathedral Church, through annual revenues of 411.60 lire; but not having fully paid in the past, with 1440.60 lire still owed, and also to cover other similar expenses. If the petitioner obtains the requested pension, she promises to bequeath the benefice for free collation after her death, and the pension itself is to be understood as perpetual, so that after her death it will pass into the hands of the Bishop for the support of the poor parishes; this last condition being "to have twelve Masses celebrated each year, that is, one per month, in suffrage for herself or for the dearest deceased members of the Digerini-Nuti-Piccardi families,

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and five Masses on the anniversary of her own death."

[*Latin ed. p. 517*]

FESULANA 517 The parish priest presented letters on December 20, 1901, which, upon examination, show that he willingly accepts the amount of the pension requested from the Patron regarding the benefice, a position that is supported by the defender, who, although he seems to grant only the sum of 2000 lire, nevertheless subsequently declared to the Bishop, as this document reports, that he consents to the sum of 3000 lire. Finally, the Bishop repeatedly commends the noble Patron and praises the merits of her late illustrious consort, Count Giovanni Riccardi, and their piety, morals, and Christian generosity towards the Church, urging the Sacred Congregation of the Council to deign to approve the requests concerning the amount and form of the pension for the payment of debts, and affirming that all that the Petitioner has stated is true. The letters of commendation given by the Bishop contain, among other things, the following: "I attest with pure truth: 1) that it is true all that has been stated by the Patron in the petition addressed to the Holy Father in order to obtain an annual pension from the revenues of the aforementioned parish benefice, both with respect to her unfortunate and compassionate economic circumstances, in which she has nothing left to live on, as can be verified by documents, and the sole income is 1500 lire per year; and both with respect to the singular piety and Christian generosity of her deceased consort, Count Giovanni Riccardi, who was also well known to me for his zeal for religion and for the Church; 2) that she requests, for her natural life, an annual pension of 3000 lire from the aforementioned substantial income of the Church, amounting to 8835.23 lire, not so much for her honest and appropriate sustenance, but in order to gradually pay off some debts that she has towards religious persons in this Diocese; debts that, not having been satisfied thus far due to inability, cause her great distress; and in order to punctually fulfill each year the obligation of 411.60 lire that she owes to the Reverend Chapter of this my Cathedral Church for the daily sung Mass, an obligation of the Benefactors; 3) that said..."

[*Latin ed. p. 518*]

518 FROM the pension of L. three thousand, it was declared that, after her death, it should be perpetually assigned to the benefit of poor parish churches to be designated by the Bishop of this Diocese; 4) that, in order to satisfy a debt of Lire 1440.60 which she has with the aforementioned Chapter for the aforementioned annual payment of L. 411.60, and in a large part to other aforementioned obligations of justice, she requests that the entire proceeds from the sale of a number of oak trees, valued at approximately Lire 8000, be granted to her, as stated in the Declaration of the Priest, Poi vani. "However, the Defender of the aforementioned parish benefice

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expressed his favorable opinion regarding an annual pension of L. 2000 in favor of the Patron, but, as he later told me in person, he believes, and I also believe, that that benefice could support a pension even greater than that requested, since its income is constantly increasing due to the excavation of lignite, of which a new mine has already been opened on the lands of the same, and which is not yet included in the scope of its patrimonial assets. "Therefore, considering that the Patron will use both the annual pension of Lire 3000 and the proceeds from the sale of the aforementioned oak trees to satisfy obligations towards the Church and towards religious persons, and that, after her death, she has agreed that the aforementioned pension be perpetually assigned to the benefit of poor parish churches of this Diocese, I humbly believe that this Holy Tribunal would deign to favorably receive the petition of the aforementioned religious and pious Patron in every part, and that, after her death, it would assign, now and forever, L. 1000 to the very poor parish church of St. Gaudenzio..." The Bishop himself, in a letter dated April 3, 1902, adds: "I communicated the dispositions of this Holy Tribunal, communicated to me... to the Lady Countess Maria Digerini Nuti, widow Piccardi, and in response, she sent me a memorial, of..."

[*Latin ed. p. 519*]

FESULANA, 519, to which I append a certified copy, wherein it is permitted, with filial reverence, to make certain considerations regarding the proposed arrangement, that is, to issue a proper bond, in favor of the poor Clarissan Nuns, for the twenty thousand lire which they lent to the Piccardi estate. "Based on these considerations, as detailed in the aforementioned document, the aforementioned Countess, considering the aforementioned arrangement to be too burdensome, would instead undertake, in addition to renewing, in the legal form, the bond for the sum of 10,000 lire, which she personally assumed, to issue, for the other ten thousand lire lent to her deceased husband, Count Giovanni Piccardi, 6,000 lire on the sum of 8,000 lire that she has requested from the Holy See, which may be obtained from the sale of a certain number of oak trees, located on the lands of the Benefice of San Pancrazio ne' Sabbioni, already designated for felling. It is understood that no benefit would accrue from the remaining four thousand lire, but rather the creditors should participate in the final liquidation of the estate, as drawn up by the late Count Giovanni Piccardi. Furthermore, I have learned that the Countess and those interested in this matter intend to do everything possible to ensure that the poor Clarissan Nuns are fully reimbursed, even for these four thousand lire. "Considering, meanwhile, the piety of the petitioner and the absolute necessity, as she expresses it, of providing for her own sustenance and for significant and sacred obligations: "Considering that upon her death, she will freely relinquish the aforementioned Benefice, in accordance with the forms prescribed by the Sacred Canons, with a request that, in suffrage for her soul and for that

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of her loved ones, seventeen Masses be offered annually, in the manner indicated in the attached memorandum. "Furthermore, considering the extensive charity exercised by her and, especially, by her deceased husband, towards religious institutions and congregations, I am of the opinion that this Holy Congregation should favorably consider the request she has made to the Holy See, both with regard to the pension, and with regard to the felling [of the trees]."

[*Latin ed. p. 520*]

520 FROM the Council of Trent, concerning the matters of patronage, under the aforementioned conditions and as expressed in the repeatedly mentioned memorandum. A Synopsis of the Dispute. It appears that the prayers of the petitioner are not based on learning. Indeed, it is clear from the Holy Canons that, whether the benefice is vacant or filled, some provision must be made for the petitioner. It is certainly not doubtful that something can be provided under the title of sustenance, especially since, according to the prescription of the Holy Canons, and particularly from chapter *Nobis de Iurepatr.*, the sole prerogative of patronage does not suffice to admit an action for sustenance or other causes, unless it is proven that the petitioner is in genuine need, and that there is such an abundance of income in the benefice that, after deducting expenses, there remains a sum sufficient for the petitioner in the matter of sustenance; as the Holy Rota explains in the case of *Salernitana Alimentorum* of January 11, 1712, session Scotto, § 2. When it is to be understood that the income of the benefice remains, Vivian teaches in *Prax. Iurisp.*, book 1, chapter 2, number 20; Barbosa in *Iur. Eccl.*, book 3, on jurisprudence, chapter, number 217; with whom Piton agrees in *De Controv. Patron.*, allegation 44, number 20: "Firstly, a portion must be left to the Rector, or the beneficiary, from the same revenues, as much as he can conveniently live on; and secondly, another part of the revenues must be left, sufficient for the necessary expenses of the Church, as is stated in Lambertini, *De iurep.*, book 3, question 3, article 3, number 1, number 7 *in fine*, and number 8... After these deductions, whatever remains is to be assigned for the sustenance of the petitioner." Nor is it otherwise stated by Ferraris in *Biblioth. verb. Ius patronatus*, article 4, number 126: "Firstly, and above all, the Church or the beneficiary must provide for its own needs, and for divine worship, and then, if there are still revenues remaining beyond what is necessary for its proper and honorable support, and for the repair and maintenance of the Church or benefice, these must be used to assist the petitioner."

[*Latin ed. p. 521*]

FESULANA 521 In these matters, which are subject to legal dispute, the truth concerning the needs of the parish and other relevant considerations must be examined. However, since these matters cannot be definitively

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established, it is necessary to consider the opinions of Fargna in *Iurep.*, volume 1, part 1, canon 3, case 1, and Surd. on alimony, title 7, question 26, number 11, to determine whether the parish, without its own fault, has been brought to such a condition that it may petition for support from the Church's assets, which is not clearly demonstrated. However, even if this were conceded, the petition for 3000 livres annually as a pension, and 8000 livres (from felled trees) to be reduced to a smaller sum, appears reasonable according to the suggestion of the defender of the benefice. But, on the contrary, it is important to note that the petitioner is a very worthy individual, and that her petition, in the amount she specifies, should be granted, and indeed as a pension, because the current parish priest freely and willingly accepted the parish, even if it were burdened with such a pension by the Holy See. However, whatever the title may be, it is clearly established, both by canon 38 of the Council of Toledo IV, case 16, question 7, and by chapter 25 of *Iurep.*, that the pious Church provides support to patrons and their families when they are reduced to poverty, so that the authors of the Holy Canons commonly express this meaning in the definition of the patronage right, stating that the patronage right is an honorific, burdensome, and useful right pertaining to the Church: honorific, because the patron has the honor of presentation, etc.; burdensome, because he has the obligation to defend the Church, as a father of the patronage, which he has brought from a state of being to a state of non-being; and useful, because he has the right to support. For this reason, the following was noted by the learned doctors of canon law in the aforementioned chapter: "To the patron is due honor, burden, and emolument; let him present, preside, defend, and support the needy." Indeed, this not only stems from the law, but also from the constant practice of the Holy See, which has aided those in need in the best way possible, sometimes through the administration of the benefice, sometimes through the suspension of nomination, and sometimes finally through the reduction of obligations, as is evident in...

[*Latin ed. p. 522*]

522 From the Council of Turin, March 30, 1776; from the Decrees of Ferrara concerning the Reduction of Masses, February 22, 1793; from the Decrees of January concerning Chaplaincies, August 21, 1819; from the Decrees of Sora concerning Suspensions of Nominations, December 3, 1831, § I; and also from Camerino, December 20, 1634; indeed, it is clear that assistance was provided not only from vacant benefices, but also from full benefices, as evidenced by the canons of Camerino, September 5, 1847, §; furthermore, from the Decrees concerning Veliterna Subsidies, December 17, 1853. Moreover, the Sacred Congregation has shown such generosity towards patrons not only when their absolute poverty has been established, but also when patrons have been seen to be suffering from relative poverty, as is frequently demonstrated by the responses of the same Congregation,

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as in the Dispensation of Ascoli, May 20, 1786; in the Decrees of Aquenna concerning Chaplaincies, February 3, 1787; in the Decrees concerning the Benefice of Monte Alto, June 27, 1829; and in the Decrees of Camerino concerning Chaplaincies, March 15, 1819, and in many other instances. Regarding the poverty of a noble patroness, there is no room for doubt, as the most excellent testimony of the Prelate cited above indicates. For he states that such assistance is due to her, given her miserable condition. However, objections based on the insufficient revenues of the benefice are futile. For who would easily believe that from such a substantial benefice, a sum of 3000 livres could not be deducted annually? "Nor does it matter," (says Lambert, *de iure pontif.* I. 3, q. 3, n. 6), "that Boffredus says that this is harsh for the Church, because, as we have said above, the Church gives from what remains to it, and as much as it can, which ought to be given to the poor.... It is more fitting that it be given to the patron, to his wife, to his children, and to his servants, than to other poor people, who may be able to seek help elsewhere." Therefore, whether one considers the miserable condition of the patroness, or the damage that would be caused to the Poor Clares and the Chapter of Fesula by the unpaid debt, or the condition (which is of the greatest importance) of freely granting the benefice, it would seem entirely appropriate to grant her requests.

[*Latin ed. p. 523*]

FESULANA 523 — On the 6th of September, 1902, the following matter was brought before the assembled prelates for judgment, and the following decree was issued: "Deferred, and it is the opinion that the Bishop should obtain fuller information regarding the certain amount of income to be allocated annually to the parish pension, amounting to 3000 lire, as requested by the petitioner, and also regarding the reason for which it was proposed to cut down the trees in the forest belonging to the parish." The Bishop reported on this matter on the 23rd of November, 1902. "Concerning the income from the land of the Church of Saint Pancratius in Sabbioni in this Diocese, I know that these lands have been leased for an annual rent of 4200 lire, not including livestock and timber. Therefore, I believe that it is reasonable and not excessive to allocate a maximum of 4500 lire, as stated in the Royal Assessment, despite the assessments made by the defender of the aforementioned Church, especially since the expenses to which he refers for agricultural activities are productive of a greater income for those who employ them judiciously. This is also evident from the testimony of the agent for these properties, who estimates the annual income from the property to be approximately 6000 lire. "As for the income derived from the excavation of lignite, it is true that, by government decree, the Rector currently receives only 2500 lire, that is, half. However, since the other half is accumulated annually and made to yield interest to the benefit of the Church, it can be reasonably considered that the ordinary and fixed

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income of the Parish Benefice increases each year by 100 lire, an increase that compensates for any potential decrease in the rental rate contemplated by the defender in the future renewal of the contract. "As for the expenses for which provision is made in the defender's assessment, it seems to me that the sum of 1500 lire for the maintenance of the Parish Priest and the Chaplain should not be taken into account, at least entirely, since such an expense..." PROSECUTION OF THE CAUSE.

[*Latin ed. p. 524*]

524 FROM THE HOLY GENERAL COUNCIL: This pertains rather to the allocation of the net revenue, which is left to the discretion of the Parish Priest himself. "From what has been explained thus far, it appears that the total net revenue of the aforementioned Church, that is, the sum available for the decent maintenance of the Parish Priest and the Church, can easily be brought to 5435.26 Lira, considering the very extent of the defender's arguments; however, this figure must be considered to be lower than the truth, and this is due to a certain and certain fact, namely, the share of contribution paid by the Benefice, amounting to 406.80 Lira. Indeed, it is undeniable that the Parish Priest would not have in any way accepted such a heavy tax, if he could have legally exempted himself from it in the assessment of the net revenue of the Benefice. Now, since the aforementioned share is due in the amount of 5% from the Parochial Benefices, whose net revenue exceeds 2000 Lira, it follows that this excess has been calculated for the aforementioned Benefice to be 8136 Lira, and therefore the total annual revenue is 10136 Lira net of all charges. "And even if one were to reduce this last figure to more modest proportions, taking into account the observations made by the defender of the Church regarding the annual expenses of cultivation, depreciation, and scarcity of harvests, etc., there still remains an annual net income in the approximate and average amount of 8000 Lira, which can be considered as a fair and established basis for the granting of the requested pension of 3000 Lira. In essence, the Rector pro tempore can, as the aforementioned Reverend Father Narcisio Polvani asserted, easily bear this burden with the revenues from the Registered Securities, reserving all other revenues from land holdings and from the excavation of lignite. "Now, coming to the other points contained in the esteemed document of the Reverend Father Riha, I must note that the proposed felling of mature oaks is not such as to induce a general deforestation of the land, but only a thinning, which would..."

[*Latin ed. p. 525*]

FESULANA 525: With time, the deficiency is remedied through the growth of the plants left in place or by replacing them. "I also believe it is necessary to persistently request the perpetuity of the requested pension, at least in part, that is, regarding the sums already designated for the

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Churches of San Gaudenzio and Figline, which amount to a total of 1500 Lire, as was already presented to this Holy Congregation in my letter of January 17th of the current year, since these two parishes are extremely important and in dire need of such a provision. "Finally, I add that the petitioner's renunciation of her right of patronage is linked to the condition of a pension of 3000 Lire, and this not so much because of the personal hardships in which she finds herself, but even more so, and indeed primarily, because of the desire she has to fulfill as soon as possible the monetary obligations she holds towards religious institutions, as I stated in the aforementioned letter. "Therefore, based on the aforementioned data, I urgently implore Your Eminence and the other esteemed Cardinals who are members of this Holy Congregation to favorably receive the prayers of the pious Lady Countess Digerini-Nuti, widow Piccardi, and my own, for the perpetuity of the aforementioned pension, for the benefit of at least the aforementioned two parish churches. After considering these points, the question was raised as to how the requests should be addressed. RESOLUTION. The Holy Congregation of the Council, after deliberation on February 28, 1903, decided to respond: "With approval, according to the request and in its spirit."

[*Latin ed. p. 526*]

526. BRESIA. On the 28th of March, 1903. A summary of the facts. In the city of Brescia, there was established, from the year 1502, a parish church dedicated to Saint Agatha, according to the prescription of the Constitution *Iniunctum Nobis*. The parish priest, with the care of souls, ministers there along with three other permanent chaplains, who are to be suitably instructed, "who, as the Constitution commands, together with the aforementioned Bartholomew and, for the time being, with the Rector of said Church, are to attend the canonical hours in the same Church, and to exercise the care of souls of the aforementioned parishioners, and to reside personally in the same Church, and to serve personally, and not through substitutes, unless a legitimate impediment prevents it, and to celebrate Mass each day, either by themselves or through others." Over time, controversies arose concerning the rights of the chaplains regarding the care of souls, and the Sacred Congregation of the Council, by a decree of the 24th of July, 1875, declared that the right to exercise the care of souls belongs to them "depending on the parish priest." In execution of this decree, the Bishop performed ten ordinations, and these were approved by the Sacred Congregation of the Council, by a decree of the 22nd of September, 1877. This pertains to the law and constitution of the Church. Furthermore, it happened that, while the parish priest of another church outside the city was ill, the Bishop assisted him, as a vicar, with one of the three chaplains, the nephew of the parish priest, of the aforementioned church of Saint Agatha, for the reason that he was the only one found, as

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the Curia itself testifies, to be suitable for that office. Therefore, while he was absent from the church of Saint Agatha, so that the care of souls would not be lacking on his part, the parish priest proposed a priest to the Bishop to take his place, to whom the Bishop gladly agreed. However, the same parish priest, both according to the *Bulla Iniunctum Nobis* and according to the statutes of the Bishop,

[*Latin ed. p. 527*]

BRIXIEN. On the 22nd of September, in the year 1877, approved by the Sacred Congregation of the Council, it was determined that the parish priest possesses the authority to appoint a temporary substitute, who may fulfill the duties of a chaplain temporarily absent in the parochial ministry. However, the parish priest has encountered opposition from two other chaplains, who deny him this right; consequently, the office of the absent chaplain remains vacant even at present, as the designated substitute has been unable to assume the duties, contrary to the wishes of the chaplains. Furthermore, another dispute exists between the chaplains and the Provost, who asserts that he has the right to propose a priest to the Church Fabric Council for appointment as Prefect of the Sacristy, even without consulting the chaplains. On the 5th of September, in the year 1902, the Ordinary ruled in favor of the Provost, both concerning the administration of the church itself and concerning the right to appoint vicars, stating: "This Diocesan Ordinary, having considered the Papal Bull of Pope Alexander VI, by which the Curate Chaplains of St. Agatha were established, having considered the Constitution of the Provost Del Pozzo, and having considered the decree of the Holy Congregation of the Council of July 24, 1875, judges, solely in an administrative capacity, that the only right attributed to the titular Chaplains of St. Agatha is that of exercising pastoral care, dependent upon the Provost himself; and this right of pastoral care is certainly not the plenitude of the ministry of pastoral care, which obliges only the Provost to govern the parish. Therefore, it is considered that the Provost is free to propose to the Church Fabric Council that priest whom he deems most suitable for the office of Prefect of the Sacristy."

"Furthermore, it judges that no one can take away from the Bishop the right to dispose of a beneficiary and to replace him with a vicar, and that, in fact, this right is also granted to the Reverend Provost of St. Agatha by the aforementioned Bull, where it says to the executors of the same that *quod dictis Cappellanis absentibus dictae Ecclesiae Rector alium seu alios loco absentium substituere possit etc.* [that when the aforementioned chaplains are absent, the Rector of the aforementioned church may substitute

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another or others in their place, etc.]." Therefore, being legitimate...

[*Latin ed. p. 528*]

528 According to the mind of the Sacred Congregation, in the absence of the Reverend Volpi, Father Giovanni, the Reverend Provost may freely substitute another in his place. However, when the chaplains refused to comply with this, the Parish Priest Volpi appealed to the Sacred Congregation, noting the circumstances of his case. He states that the cause of this controversy stems from a mistaken interpretation of the decree issued by the Sacred Congregation on July 24, 1875, concerning the application of the Constitution of Alexander VI, issued on September 9, 1502. He argues that in that decree (which, according to his understanding, was issued due to particular circumstances at the time, namely, civil laws then in force regarding such property), the exercise of pastoral care, which, according to the same Bull, is the duty and obligation of the chaplains, is recognized as a right. From this, he argues, it follows that the chaplains have claimed the same parochial jurisdiction that the Provost enjoys, so that he himself should only possess a certain privilege of honor, such as holding the first place in the choir, wearing solemn vestments, etc. Furthermore, he laments that more evils arise, as he notes: "Not recognizing any dependence on the Provost Rector; even the term 'dependent' as used in the decree does not intend a sense of obligatory submission, but only as a means of avoiding conflicts; — not admitting the right granted by the Papal Bull to the Provost Rector to substitute other personnel for absent chaplains, and preventing this by all means, even resisting the orders of the Ordinary; absenting themselves from their residence whenever and however they please, without even informing the Provost Rector, who must never know whether and what assistants he may have in residence the following day; claiming to have direct authority in the government of the Church, in the selection of the sacristan, the servants, and other temporary chaplains, and therefore not recognizing the sacristan because he was not appointed by them; protesting against any dis-

[*Latin ed. p. 529*]

BRIXIEN. 529: "That a decision should be taken by the Parish Priest without their intervention or consent, considering this an affront and a violation of their rights, and so forth." Therefore, he argued that it was entirely contrary to law for the same church to be governed by four parish priests, all possessing equal rights, and indeed with a difference in the care of souls. Consequently, in order to also consider the rights of those who will succeed him in the same position, the aforementioned advocate requested that the Sacred Congregation declare the following:

1. Does the Rector of S. Agata have the right to use the faculty granted to him by the Papal Bull to appoint and provide for vacant chaplaincies,

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without the intervention or consent of the chaplains present in the office?

2. Does the Rector himself have the right to use the faculty granted to him by the Bull to replace other chaplains who must be absent from their residence for some time? And if so, who is responsible for the expenses of the substitute?

3. Should it be admitted and considered that, by virtue of the Bull *Iniunctum Nobis* and the subsequent Constitution 1515 of the Provost Del Pozzo, who instituted the three chaplaincies, the benefited chaplains have full and perfect parochial rights, equal to that of the Rector himself, so that the founding parish priest intended to place himself on their level, divest himself of his authority, and entrust the government of his church to them?

4. If the phrase "una cum Rectore Praeposito" proposed by the founder and preserved in the Bull, when understood in the sense of full parochial rights, produces such disastrous consequences, would it not be more rational and just to understand it in the sense of union, of good agreement, of careful intentions in a salutary action, as is said that the soldier fights "una cum duce" without becoming a captain, or that the worker works in the workshop "una cum domino" without becoming the master, or as we say "una cum grege sibi credito" in the prayer for the Pope?

5. The care of souls, which the chaplains must exercise, Tom. XXXV, part. CDXVII, 31.

[*Latin ed. p. 530*]

530 From the decree of the Diocesan Council, the coadjutor participates (as do all parochial coadjutors, albeit with a reservation in our case regarding ordinary power and immovability) in the administration of the Holy Sacraments, in catechizing and preaching, in caring for the poor and the sick, and in serving the churches; should this also be understood to extend to the governance and administration of the church? "6. Whatever the meaning of the phrase 'una cum Rectore Praeposito,' was this added in the Bull to the first duty of the chaplains, namely, the observance of the canonical hours? Or should it also be understood to apply to the other duties subsequently enumerated, especially the celebrating of daily Mass and the serving of the altar, while the Provost is not obligated to celebrate Mass daily, and if even he must serve 'una cum' the chaplains, would there be four servants without one to command?" Finally, from the facts, it is clear that these same coadjutors were never assigned the duty of celebrating Mass for the people on festive days, nor of delivering the homily alternately with the Provost, but only of performing their duties in his absence, according to the custom of all parochial coadjutors. On the contrary, the chaplains deny, first, that the Provost Volpi has the right to choose a priest, without, of course, their consent, who will be presented to the Fabric's procurators, in order to obtain the office of prefect of the sacristy. They maintain that this right of election also belongs to them, since it is necessary

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to exercise, together with the Provost, the faculties granted to them for the care of souls, as evidenced by the confirmation of their ordination by the Diocesan Council of September 22, 1877. Indeed, these same chaplains of Saint Agatha assert that their full right regarding the care of souls was confirmed to them, first, from the Bull cited by Alexander VI, which was imposed upon us; second, from their peaceful and ancient, namely, 300-year, possession by custom; and third, from several sen-

[*Latin ed. p. 531*]

BRESCIA. Concerning the tribunals of Brescia, Milan, and Rome: these matters are related in the document "Acta S. Congregationis Concilii Tridentini in causa iurium Parochialium inter Praepositum et Capellanos Curatos S. Agathae civitatis Brixiae" [Acts of the Holy Congregation of the Council of Trent concerning parochial rights between the Provost and the Curate Chaplains of the parish of Saint Agatha in the city of Brescia]. For the sake of brevity, the tribunal of Milan only presents its judgment: "that the full right of the parish, and therefore, canonically, to assist at marriages in said parish, belongs equally and reciprocally, by virtue of its founding, both to the titular coadjutors and to the Provost." However, only the curate chaplains claim to be subordinate to the Provost, which the same Holy Congregation commanded to be observed, so that a conflict in the exercise of parochial rights might be avoided: "It is the right of the chaplains to exercise the care of souls together with the Provost and dependently on him, according to the ordination, etc." (S. C. C. July 24, year 1875). Indeed, they say, does not this equality of parochial rights necessarily grant to these same chaplains the power to participate even in those matters which concern the good of the church itself? And for what reason has the Provost, and his predecessors, always been concerned about obtaining the consent of the chaplains, whether for the election of lay officials, or for any other parochial matter? Secondly, concerning the election of a vicar, who assisted in the care of souls at the parish of Saint Agatha, the Reverend John Volpi, when this man was sent by the Bishop as a parochial vicar to the town commonly called Alfianello, they claim to have protested, lest their rights be harmed thereby. Indeed, in the ordinances confirmed by the Holy Office, which establish the norms concerning the rights that are mutually exercised between the Provost and the curate chaplains, the following is read: "that there are attributions that are naturally inherent to the Curate Chaplains, which must remain intact, and that the Provost himself cannot disturb or diminish."

[*Latin ed. p. 532*]

552 FROM the Decrees of the Council, nothing can diminish [these powers]. But if these attributions of preaching, administering the Sacraments, etc., cannot be diminished by the Provost himself, can they be diminished

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by a simple Priest? "We read in the same Ordinances that the Reverend Provost, for a legitimate reason, can perform the functions assigned to the Curate Chaplains, but personally and with prior notice, and therefore never through substitutes or vicars (Ordinance III)." "We also read that if the Reverend Provost is lacking in the ability to perform functions reserved to him, the Curate of the week must provide a substitute, and not other priests who are not Curates, nor those who are invested [with certain offices]. (Ord. V)." "We also read in those Ordinances that in the absences of either the Provost or the Curates, they must agree among themselves, so that some of them are ready to assist the faithful in the sacred ministrations, 'ut aliqui ex ipsis praesto sint, etc.' ; not therefore, outside priests." (Ordinance X). Among the principal duties to be performed by coadjutors in the Church of *Agathae*, the homilies are recited alternately, with the Provost being informed beforehand, and then the duty of assisting the Provost in catechesis and explanation; therefore, these duties can only be performed by the Curate Chaplains: "the burden of preaching should be common to the Provost and the coadjutors, so that they themselves give the homily, and they also assist him in the catecheses" (Ordinat, n. II). Therefore, relying on these ordinances of their Church, and also on the established practice, by which in the Church of *Agathae*, both the Provost and the Curate Chaplains, lacking due to death or translation, have never been replaced by vicars or officials; on the contrary, the aforementioned parties claim that the election of a vicar, carried out in the absence of Father John Volpi, the Curate, was unlawful, and they also appeal to the Sacred Congregation, asking: a) Whether the Provost of *Agathae* can, without the consent of the aforementioned chaplains, elect a Prefect of the Sacristy? b) Whether the same Provost of *Agathae*, or some of the Curate Chaplains, can nominate vicars in the absence of the aforementioned [chaplains]?

[*Latin ed. p. 533*]

BRIXIEN. How many are there who, just as chaplains, are able to exercise the care of souls, possessing the faculties of a parish priest? Several questions are put forth by those contending, but, according to the style of the Sacred Congregation of the Council, these seem to be reduced to two practical and objective questions, to which the Ordinary responds in his decree. Nevertheless, it is best to seriously consider whether the decision rendered by the Ordinary merits the confirmation of the Most Eminent and Reverend Fathers. OBSERVATIONS FROM THE OFFICE. Returning to the matter from its beginning, it is noted that the origin of chaplains is clearly explained in the Constitution *Iniunctum Nobis*. Indeed, until the year 1502, the Church of Saint Agatha had possessed only one Parish Priest. At the end of this year, a certain Bartholomew, who was then the Parish Priest, petitioned the Holy Father Alexander VI, so that three other

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perpetual chaplaincies, with their revenues, might be established from his own revenues, in a large part, for the support of chaplains, who, together with the aforementioned Parish Priest, would be obligated to attend the canonical hours, to reside, to celebrate, and to exercise the care of souls. - Bartholomew obtained what he had requested, as is evident from the words of the Constitution cited at the beginning. Therefore, by this Constitution, true and proper benefices were established, along with their residences, with the care of souls. Indeed, with the passage of time, the chaplains have shown themselves to be equals to the Parish Priest, and have endeavored in every way to show themselves to be equal to him, and this intention of the chaplains was ratified and confirmed by the judgment of the Court of Milan, already mentioned by the chaplains, which declared that it belongs to them *il diritto di piena parità e reciprocanza* [the right to full equality and reciprocity]; and this judgment was submitted to the examination of the Sacred Congregation of the Council on July 24, 1875, as can be found in the Treasury of Resolutions of the Sacred Congregation of the Council; for it is not shown in the records. Regarding the doubt: "Whether and how the judgment of the Court of Milan should be confirmed..."

[*Latin ed. p. 534*]

534 From the deliberations of the Sacred Council, a decree was issued: the judgments of the first and second grades are to be reformed; it is the right of chaplains to exercise the care of souls together with the Rector, and dependently upon him; this right is to be proposed by the Bishop and transmitted to the Sacred Congregation." This decree wisely establishes that the care of souls belongs to the chaplains together with the Rector, and therefore they have the right to assist at marriages without the Rector's delegation; nevertheless, in order that a serious confusion may not arise, the dependence of the chaplains upon the Rector must be maintained. Furthermore, it is noted that chaplains participate in the parochial care; but the right to administer, to safeguard, and to preserve the goods of the Church and its benefices, as well as to oversee the fabric of the Church, is also included in the office of the parish priest and rector of the Church. However, one right does not necessarily follow from the other; therefore, as the most learned jurists state, the parish priest can only be suspended from his office as parish priest, and not from the administration of benefices. Consequently, it follows that chaplains who have the right to exercise the care of souls do not necessarily have the right to administer the Church and its parochial goods; indeed, it is not sufficiently proven that such a right has been obtained unless an explicit concession of this right has been granted to them. Truly, the Rector Bartholomew, in order to comply with the precept of the Council of Trent, Session 21, chapter IV, De ref., which states that - in all parochial or baptismal churches in which the people are

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so numerous that one rector cannot suffice to administer the sacraments or to perform divine worship, the rectors must add to themselves as many priests as are sufficient to administer the sacraments and to celebrate divine worship - took steps to establish these chaplaincies. This was done so that a certain division or separation would be made in the care of souls, but this must be understood strictly, just as in all divisions, it is understood that what is implied is not considered to have been granted unless it is expressly granted. In plain words, the care of souls, or the administration of the sacraments, is granted to the chaplains.

[*Latin ed. p. 535*]

BRIXIEN. 535 concerning other matters and parochial functions; but perhaps it should be understood as referring to the right to administer the assets of the benefice, or even the Church Fabric itself? Since we are dealing with unpleasant matters, it is at least necessary to follow Rule 30 of the Law in Six Parts. These observations seem to indicate that the Prefect acted lawfully when he proposed the Prefect of the Sacristy to the Fabric Council, without hearing the chaplains. For this Prefect is presumed to perform, within the scope of his office, those duties that pertain to the administration of the Fabric's assets. Furthermore, both the Prefect and the Ordinary seem to have acted properly in ensuring that a chaplain, having abandoned his place of residence and his office, was replaced by another. For these chaplaincies are residential, and dispensation from the rule of residence has been permitted to one Holy Pontiff. - In addition, from another point of view, the founding statutes may have been violated if, because of the appointed vicar, heavier burdens were imposed on other chaplains, or if the certain or uncertain revenues of their chaplaincies were diminished. Indeed, as the Ordinary noted in his decree, the constitution grants the Parish Prefect the power to replace absent individuals with another or others. However, once the burden of residence has been established in such a chaplain by Pontifical authority, it will be for the Wise [judgement] of the Most Holy Fathers [the Bishops] to determine whether the absence of Chaplain Volpi, who was transferred by the Bishop to another Church, is lawful. Moreover, it should be noted in the aforementioned constitution that "the collation and provision of these three chaplaincies have been reserved and granted perpetually." However, the burdens inherent in the founding statutes concerning these chaplains do not seem to be able to be set aside, either by the Parish Prefect or by the Ordinary, by lawful authority. Furthermore, in the records, there are no ordinations performed by the Bishop with the authority of the Holy Congregation [of Rites], and approved by it; but these must be kept in mind when determining the precise limits within which each function is contained, and the special rights

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granted to chaplains, and to other administrators of the Church.

[*Latin ed. p. 536*]

536 FROM THE DECREES OF THE HOLY CONCILIARY COUNCIL. From these regulations, a standard for the appointment of a chaplain should be derived in matters of sales and other questions, which are either indicated by themselves or by the Prefect, and which clearly do not pertain to the present question. RESOLUTION. The Holy Conciliary Council, after deliberation on March 2, 1903, decided to respond: The decree of the Bishop should be upheld, provided that the transfer of chaplains is done at the appropriate time and for the needs of the Church; Vicars, however, should be appointed by the Prefect and approved by the Bishop, and the consent of the coadjutor chaplains is necessary; in all other matters, the regulations of the Bishop, approved by the Holy Conciliary Council in 1877, should be observed. IN OSNABRUCK. DOUBTS REGARDING THE PERCEPTION OF THE FRUITS OF PREBENDS. On March 28, 1903. Through a summary request, a COMPENDIUM OF THE FACTS. In the Cathedral Chapter of the Church of Osnabruck, the following law is stated in the chapter statutes, approved by the Holy See: that the right to ascend to vacant prebends arises by law itself, without requiring any explicit option or new act of possession; therefore, the canon who immediately follows the canon who has died or been promoted, acquires the prebend by this very fact and enjoys its fruits; indeed, § 13 of the statutes states: "Canons and Vicars who follow the canon who has died or been promoted, ascend and from the day of their ascension, receive the revenues annexed to the Canonry or Prebend." — The application of this article is only relevant in the following case: on June 11, 1890, Anthony Thiele, the first of the canons, died; consequently, the second canon obtained the first prebend, with an annual revenue of 4,200 marks. The third canon, who ascended to the second prebend, also with the same annual revenue, is Canon Clemens.

[*Latin ed. p. 537*]

OSNABRUCK. Since 1888, Canon Cosse has been unable, due to his mental condition, to signify his consent in any way regarding the vacant prebend; therefore, it is doubted whether he truly obtained the higher prebend. Consequently, a second doubt arose, namely, whether Canon Henry Meurer should ascend to the third prebend, or even to the second prebend, as he requested and maintained, given that, due to the mental infirmity of Canon Cosse, the second prebend was still considered vacant. Whereas the third and fourth prebends yield annual revenues of 3000 marks, the difference in annual revenues between the second and third prebends is approximately 1200 marks; and these revenues, since June 11, 1890, due to the arisen dispute, have not been paid to either canon, but have been deposited and placed under an annual interest, and today

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have grown to a sum of approximately 2900 marks. Meanwhile, Canon Henry Meurer died on June 5, 1901, and in his will, as reported by the Bishop, he requested "that the sum representing the differential amount regarding which there was disagreement, be, for his part, applied to pious causes, or, if the matter remains in doubt, be settled by the Most Eminent Fathers of the Sacred Congregation of Councils, with the consent of the heirs of Canon Clement Cosse." In the meantime, Canon Clement Cosse himself died on February 21, 1902, and died intestate, leaving behind approximately 32 or 35 heirs scattered in various regions, making it almost impossible to obtain their consent. Therefore, the Bishop proposes that the following doubt be resolved by the Most Eminent Fathers: "Whether Canon Clement Cosse, being completely deprived of his mental faculties, should have ascended to the higher benefice which he was in no way able to comprehend, and whether he should have received the revenues attached to that prebend." Then, the Bishop raises another related question: namely, whether the infirm canon should satisfy all the requirements of his canonical duties by means of a vicariate appointed at his own expense, or rather, whether, due to his infirmity, he should be exempted from all obligations; for the Bishop asks: "1. Was Canon Cosse obligated to..."

[*Latin ed. p. 538*]

538. Would the Canon, by bearing the expenses, fulfill the canonical duties, both common and personal? 2. Was he entirely exempt from all duties? 3. Was he obligated to fulfill only the personal duties, namely the hebdomadary and the endowed Masses, at his own expense through vicars? 4. Was he obligated to fulfill only the personal duty of the hebdomadary at his own expense through a vicar? In this matter, the Bishop states: "The aforementioned Canon Cosse, for three years, did not fulfill any of the canonical duties, neither the common ones, i.e., those that bind all Canons together to the divine psalmody in the choir, nor the personal ones, which are either to be performed by the individual Canons themselves or, if they are prevented, to be provided for at their expense through a vicar, such as the celebration of the conventual Mass, endowed Masses, etc., in any way." The Decree of the Sacred Congregation of Councils of March 5, 1667, was cited: "The Congregation of Councils judged that a Canon, during his infirmity, although not participating in the choir, must bear all the fruits of his canonry, just as if he were personally present at all the divine offices, provided that he had been accustomed to serve before his infirmity. Furthermore, the infirmity itself must be proven before a judge." During his period of good health, Father Cosse diligently fulfilled all the duties of a Canon. Then, the Decree of the Sacred Congregation of Rites of January 8, 1597, was invoked: "The Congregation of Councils judged that a cleric, if he is truly blind, is entirely exempt from celebrating Masses in the collegiate church, nor is he required to substitute another in his place,

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if he is legitimately prevented." These decrees were derived from common law. See Reiffenstuel, *Corpus Juris Canonici*, Vol. III, concerning the sick cleric; and concerning resident clerics. Benedict XIV, *Institutiones Ecclesiasticae*, Inst. 107. "The statutes of the chapter, approved by the Holy See, contain the following special laws: § 4 1. "Vicars, by reason of their benefice, are obligated to assist at the divine offices in the choir, and to minister at the altar as Deacon and Subdeacon. For the duty of the hebdomadary..."

[*Latin ed. p. 539*]

OSNABURCK. 539 and the conventual celebration shall be alternately performed, except for the assistant, and they shall always be prepared. § 42. "If it should happen that they must perform the aforementioned offices because of a Canon who is ill or absent, they shall receive appropriate compensation, namely, double the ordinary manual stipend." § 49. "He is considered legitimately excused from the choir who is either broken by old age, or afflicted by illness, or warned by a physician that he must remain at home." "Special laws of the Chapter, not contradicting common law, in § 42 establish the obligation that Vicars, in place of absent Canons, are bound to perform the weekly office and the conventual Mass, and to receive appropriate compensation for it. Therefore, it seems that a Canon who is ill is obligated to ensure that the weekly office is performed by a Vicar at his own expense." Therefore, there are two questions to be examined: first, whether Canon Cosse, although perhaps with a distracted mind, did not apply himself in any way to obtaining the new office, and whether he actually obtained it. In resolving this question, I inquired of the Bishop how the acceptance of one office to another could occur, and the Bishop reported that the Chapter had asserted: "The acceptance of a vacant office occurs by law itself, and neither an explicit acceptance nor a new act of possession is required, according to the statutes of the Chapter approved by the Holy See: § 13: Canons and Vicars who follow those who have died or been promoted, ascend [to their positions], and from the day of their ascension they shall receive the benefits annexed to the canonry or prebend." Indeed, the text of the article does not sufficiently indicate that the acceptance occurs by law itself and without any expression of will; but we can understand the Chapter's declaration as referring to the customary law of the Chapter, which is the best interpreter of the laws. Furthermore, such an acceptance or option, necessarily established by the law of the Chapter, does not contradict the rules of law and is legally possible. For, in this case, the option does not fall upon the canonry itself or the title of canonry, which always requires some form of collation, and therefore, the acceptance of the title is not required.

[*Latin ed. p. 540*]

540 FROM the decree of the Sacred Council, whether tacit or explicit, it falls into the simple granting [of a benefice]. Indeed, two kinds of options

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are distinguished by the law of the Canons; one, namely, when a new title or new canonry is acquired; the other, when an old title or canonry is not lost, but only an addition of revenues is made to the desired grant; as Gonzalez says (Ad Reg. Cancell. gloss. 34 n. 55), "by a transfer from one grant to another without a new title and new provision or collation, by virtue of the provision or title in the first." Certainly, a grant is distinguished from a canonry or from a canon, as the most learned jurists teach, as Barbosa De Can. et dignit. cap. 12 n. 18 seq. demonstrates, and as the Sacred Congregation of Rites confirmed in Macerata, Opinion of December 22, 1832; and in Vicenza, Opinion of January 31, 1852, and as stated, a canonry is not made by a grant, but by reception into the brotherhood. Indeed, in the aforementioned Opinion of Macerata, at 1. Dub., the question arose: "Is an option subject only to the grant, or to the grant together with the canonry, in this case?" The response was: affirmatively to the first part; negatively to the second. Therefore, it is permissible to say that, in the chapter of Osnaburg, there may be several canonries, the collation and possession of which are granted to the canons when they enter the chapter, and then, without any new collation or possession of a title, a necessary advancement is made to the grants or to the assignments of revenues, which are therefore distinguished only in number and are more substantial in proportion to the order of precedence. With this arrangement, it is not foreign to the rules of law that an advancement should be made, and a higher grant reached, even by a canon who is completely devoid of any expression of his own will. For this reason, the statutes of the chapter, in the aforementioned § 13, do not properly call the addition of the revenues of another grant an "option," since it seems that to "choose" necessarily contains a movement of the will, "but simply call it an advancement. The canons themselves testify that the chapter constitutions are to be understood in this way; and their testimony must be given credence, since it is a matter that concerns them; although today, and this should be noted.

[*Latin ed. p. 541*]

OSNABRUCK. Regarding the debt of 541, and also concerning the rights of the canonical heirs Cosse and the pious cause initiated by Canon Meurer, as mentioned in the will, due consideration must be given; and it is not proper for the canons to infringe upon their rights. Concerning the second question, the Bishop has already cited the legal authorities and the jurisprudence of the Sacred Congregation of the Council; from which it is evident that infirm canons are exempt from all canonical duties, and nevertheless, they are entitled to all the fruits of their canonry. However, in the Osnabruck Chapter, vicars have been appointed, and these are obligated to perform the duties of the infirm canons, including the weekly service and the celebration of the conventual Mass, receiving a suitable remuneration for this; but the Bishop has not sufficiently clarified whether such remuner-

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ation is drawn from a specific fund established for this purpose, or rather, whether it is to be provided by each individual infirm canon.

Certainly, with regard to the common law, it could not be absolutely disapproved that a custom existed whereby a canon, even if infirm, would be obligated to provide compensation to the vicars; for it was asked on December 6, 1666, by the Sacred Congregation of the Council: "Firstly, does a canon or beneficiary who is accustomed to serve the community, and who, during a legitimate vacation, departs to a neighboring town (from where he can conveniently return to the service of the Church at the end of said vacation), earn income, if, upon his arrival, a physical infirmity prevents him from returning to the community and participating in the choir? And secondly, does this apply even if a contrary custom prevails in the Church? The Sacred Congregation answered: To the first, yes, he earns income; to the second, no, it does not apply if the custom is legitimately established. However, it would not be permissible to comply with this custom if the infirm canon needed the fruits of his benefice for his own preservation; in that case, natural law would intervene; see the decisions of the Sacred Congregation in the Albenga parish, September 1, 1663 (Decret. 25, p. 594), and in the Novara and Cremona cases (Decret. 3, p. 35 and 40). Finally, because the Bishop mentions "founded Masses" in his inquiries, as if referring to a special burden of Masses, which...

[*Latin ed. p. 542*]

542 FROM SAINT G. GONGILI! When a canonical prebend is to be assigned, it is fitting, in the last place, to refer this decision to the Sacred Congregation; for concerning the doubts: "Firstly, whether priests obligated by reason of a benefice, chaplaincy, legacy, or stipend, are able to sometimes be excused from celebrating Mass daily by their own hand, and to this, an affirmative answer; Secondly, when and how often they may be excused from said celebration; the Sacred Congregation of Rites (on September 18, 1682) decreed: To 1 and 2, an affirmative answer, provided there is a reasonable cause." Having considered these matters, the question arose as to how prayers should be offered. RESOLUTION. After discussion by the Sacred Congregation, on March 28, 1903, it was decided to respond: To Canon Cosse, due deference is to be given, and regarding the choral service, the capitular constitutions are to be observed. SYRACUSE DIOCESE – DIVISION OF THE PARISH. On March 28, 1903. Session 21. Chapter i. Concerning the request. In the city of Ragusa, within the archdiocese of Syracuse, there is currently only one parish established, under the title of Saint John the Baptist, which encompasses all the citizens of Ragusa, numbering today approximately thirty thousand. Hence, an effort has been made to establish a new parish in the chapel called "Ecce Homo," but, as is often the case, the people are immediately divided on this matter. Meanwhile, the matter was proposed for discussion in the Municipal Council itself, and of the

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forty councilors registered in the Council, twenty-one participated in this deliberation; and eight and ten gave their vote in favor of requesting the division of the parish from the Bishop; while three opposed it. — Also, a matter was decided concerning the endowment; and it was determined that an annual sum of five hundred livres (500) should be allocated to the endowment, to compensate for the sum of money previously paid as a funeral tax. COMPENDIUM OF THE MATTER.

[*Latin ed. p. 543*]

SYRACUSE 543 inhabitants. — However, the manner in which this increase occurred is not entirely clear from the records. The Archbishop decided to grant the petition of the municipality, established a new parish, and appointed the priest Scrofani as its spiritual administrator. On August 23, 1901, he issued this decree: "Having carefully considered the matters that concern the welfare of souls and that provide solace to Our faithful, and having received the petitions of the inhabitants of Ragusa, a town within Our Syracusan Archdiocese, presented through the public officials of the municipal government, who have expressed their distress, stating that the population of Ragusa, having increased to more than thirty-three thousand souls, experiences great inconvenience in receiving the Sacraments and hearing the divine Word, due to the fact that those living in the more distant areas of the town, particularly those to the west, are hindered by difficult roads, which are arduous and fatiguing due to mud and torrents in the winter, and by heat and dry dust in the summer, and that, especially the elderly, children, young girls, and the infirm, cannot easily or safely reach the single parish church of St. John the Baptist for the purpose of attending divine services and receiving the Sacraments; and that these evils and inconveniences have not been adequately or safely remedied by the assistance of a supplementary chaplain; and whereas, moreover, many have experienced not inconsiderable deficiencies in the spiritual care provided by the chaplains, as it is not uncommon for those seeking to receive the confessions of the faithful, or to administer baptism to infants in danger of death, to be unable to find anyone available; and because of this, they seek, request, and insist that a new parish be established through the division of the existing one, in the church dedicated to the Holy Face, in order to assist the aforementioned inhabitants; We, therefore, decree to proceed with the division and the establishment of the new parish, as they request."

[*Latin ed. p. 544*]

544 FROM THE DECREES OF THE COUNCIL: "Therefore, after a diligent examination by Ourselves of the matters presented, and after a process completed (the aforementioned Rector of the Parish Church of St. John the Baptist having been cited and heard), concerning which the details are found in the records, and after these matters have been conclusively

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verified by the full testimony of witnesses and other legitimate proofs, as is evident from the records and the decree which We are issuing today, We separate, divide, and dismember that western region of the city of Ragusa, together with all the churches existing therein, the inhabitants, and the families, which until now have been under the jurisdiction of the aforementioned Parish Church of St. John the Baptist, not only by Our Ordinary authority, but also by that delegated by the Holy Council of Trent (chap. IV, sess. XXI), with the further consent of Our Metropolitan Chapter; and We erect and constitute as a Parish Church the church existing there, under the title of the Most Holy Face (SS. Ecce-Homo), with its place and district, taking into account for the purpose of demarcation the median dividing line which begins from the road called Leggio, where that road is intersected by the road called Serra, and that line, extended to the point where, on the opposite side, the descending road called Camerina reaches it, thereby encompassing and designating the last inhabitants on that side, those closest to the adjacent valley: so that every place and every building which extends from the aforementioned dividing line to the west, belong and are recognized to belong to the new Parish of the Most Holy Face (SS. Ecce-Homo); and conversely, every place and every building which extends from the aforementioned dividing line to the east, belong and are recognized to belong to the old Parish Church of St. John the Baptist, granting and conceding to the inhabitants and residents of said place, district, and new Parish, as above separated, divided, and constituted by certain limits, full and free power to establish and maintain within said Parish Church, burials, the cemetery, the baptismal font, the archive, the bell tower, the bells, and other insignia of parish status. "Furthermore, We assign and attribute to the newly established Parish the filial church of the Most Holy Savior (SS. Salvatoris) which exists within the boundaries of that district, as a filial church."

[*Latin ed. p. 545*]

SYRACUSANA 545 "Having accepted the deliberations initiated by the Municipality of Ragusa, one on May 13th, and another on July 14th of the year 1901, we decree that the aforementioned Municipality of Ragusa shall, until a greater sum is provided according to civil laws by the Administration of the Cult Fund, pay annually a sum of five hundred *lire* for the title of abolition of burial rights of the fourth class; and, in addition to this sum, all revenues pertaining to the exercise of the Pastoral Care and the tithes of sacraments, We, for the support, maintenance, and proper compensation of the Curate of the new Parish and of the future Rectors chosen from then on perpetually, assign and allocate; declaring, as We declare by law, that the new Parish shall be and remain perpetually free of tithes.

"Furthermore, for the exercise of pastoral care towards the faithful of both sexes residing in the aforementioned territory, in place of the future

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Rector until, by means of a published edict and a process according to the norms of the Council of Trent, a new Rector is appointed, We appoint and designate, in Christ, the Reverend Priest John Scrofani, Our Forane Vicar of Ragusa, as a capable and suitable Spiritual Administrator, and We entrust to this aforementioned Spiritual Administrator of the new Parish, by Our special mandate, the power to perform, in place of the Rector to be appointed soon and of all Rectors to be appointed in the future, all that pertains to the erection of the new parish and, consequently, to the safeguarding of all the rights of the newly erected parish.

"Moreover, in order to preserve the due honor to the ancient Parish of St. John the Baptist, We decree and command that the aforementioned Parish of St. John the Baptist shall, by the new Curate and by all Rectors of the new Parish perpetually, and also by those who, for whatever reason, are in charge of the parish when it is vacant, offer annually, as is fitting for a Mother Church, a pound of processed wax, as a sign of recognition of its status as a Mother Church." However, the Rector appealed to the Sacred Congregation of the Council, and, in summary, made the following observations: *Ad Acta*, Vol. XXXV, page CDXV1I, 35.

[*Latin ed. p. 546*]

546 From the Decrees of the General Council concerning the contested judgment. – Indeed, the Reverend Father Angelus Arezzi, parish priest of the Church of St. John the Baptist, states that, according to the principles of Canon Law and the Sacred Congregation, when considering the division or dismemberment of a parish, it must first be determined whether there is a dowry; and if this is lacking, the division of the parish cannot proceed in any way: can. 1, cause 1, question 2, canon 26, cause 16, question 7; chapters 1 and 8 of *De Consec*; Fagnanus, in chapter *Ad audientiam*, no. 31, and others, generally. The dowry, moreover, must be constituted from free and productive goods, established perpetually, and sufficient for the parish priest and the parish: which is equally beyond dispute, as Monacelli states in *Form.*, vol. 1, part 2, p. 1, no. 4; Fagnanus, *loc. cit.*; Lotterius, *De re benef.*, book 1, question 31, no. 60, who cite the decisions of the Sacred Roman Rota and the Holy Congregation. This is also confirmed by the very definition of a benefice: "A perpetual right to receive the fruits from ecclesiastical goods, due to the sacred office, established by ecclesiastical authority." Now, in our case, there is no dowry, either for the parish priest or for the church being erected in the parish. The sum of 500 [units of currency] assigned is listed among the arbitrary expenses, or those subject to revocation; and in truth, the Municipality never gave this sum, and suppressed it in the year 1902. – The tutelary authority, as it is called, the Provincial Administrative Board, did not approve of this disbursement, and both the municipal and provincial laws prohibit it, because expenses exceeding five years must be approved by a majority of the council (in our

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case, 40). It is also not reasonable to assign a sum in place of the suppressed fourth tithe, because this is in no way established, nor does it remove the instability of the assignment. Moreover, the parish priest of St. John has already received some sum under this title, but it was reduced at will. Nor is it to be hoped that the Government will provide a "supplement" to the dowry for the new parish priest, because this was only granted to parishes already established; but for those being erected...

[*Latin ed. p. 547*]

In Syracuse, 547 souls require a new parish. Therefore, the decree of division lacks a foundation, namely, an endowment. Furthermore, the sum of 500 livres is insufficient for a parish priest, as the Municipal Councilors themselves admit, who favor the erection of the new parish, as does the Archdiocesan Curia, which wished to draw from the Fund for Religious Purposes; indeed, even the Spiritual Economus attempted to establish or supplement the endowment from the assets of his family; but this was unsuccessful, since it met with strong opposition from the Archbishop and his brethren. Moreover, the Concordat of Sicily, from the year 1818, stipulates that a parish benefice should have a revenue of 850 livres, and the Civil Government today recognizes revenues of 900 livres as adequate and necessary for parish priests. Furthermore, the church of *Ecce Homo*, which is to be erected into a parish, has an endowment of 203.97 livres, and this sum should be used for the construction, for the expenses of the Masses, for the sacred furnishings and functions, for the sacristan, and for other clergy; indeed, even for assistant priests! Moreover, there is no parochial house, so that the parish priest is forced to live far from the church. The parochial income for the entire city of Ragusa does not exceed 200 livres, because it is derived only from marriage ceremonies. Then, the Orator observes that the Civil Government has not approved the decree of division of the parish, because the dowry for the new parish priest is not sufficient, nor is it permanent, and the assignment made by the Municipal Councilors is invalid; and because the dowry that the church possesses is not sufficient, nor is there a parochial house; finally, there is no valid reason for changing the status of the parish. Turning to the canonical reasons by which a parish can be divided or dismembered, the Orator notes that all canonists commonly cite the distance, and the great inconvenience, from chapter *Ad Audientiam Alexandri III* from the Council of Trent, session 22, chapter 4, *De Reform.* Regarding the distance, according to the Holy Congregation of the Council, two *milia* are sufficient, as in the case of the parish erected in Rimini on June 18, 1789, Pia -

[*Latin ed. p. 548*]

548 From the decrees of the Sacred General Council, section 18, May 1791: but one mile is not sufficient, as the Sacred Congregation of the Council has

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declared many times, especially in the recent cases of Lanciano, November 18, 1847, and Novare, sections 12, August 18, and November 18, 1847; in the latter, the matter of an unsafe road was also considered: cf. Fagnanus, Book I, chapter, number 23. Indeed, in our case, all the houses in the city of Ragusa are not more than half a mile distant from the parish of St. John the Baptist, and some are only one mile away, but certainly not more, as can be seen from the attached map and from the report of four experts. — The church of *Ecce Homo*, which is to be erected into a parish, is so close to the parish church of St. John the Baptist that, as the experts state, no one can preach there when the bells of the church of *Ecce Homo* are rung. — The cited laws and the explanations of the canonists demonstrate the inconvenience of access to the parish, which is the reason for the division, and they unanimously teach that it is significant, that is, that there are torrents or rivers without bridges, or very rough roads, etc. Fagnanus, Book I, chapter, number 19; De Luca, Annotations to the Council of Trent, Disputation 16, number 2; Barbosa, On the Office and Power of Bishops, supplement 68, number 2, and the Sacred Congregation of the Council denied the division in Lucca, or Sarzana, on September 27, 1792, although there were "other necessary reasons," and the roads were "so difficult and rough that neither could those bound by the precept attend Mass, nor could they receive the rudiments of the faith from the parish priest, and the sick often died without receiving the sacraments." And in Novare, on May 17, 1749, "although the roads were very broken, so that especially in winter, not only children and the elderly, but even the strongest young people could hardly reach the parish church located on the mountain." And in other places, this has been stated repeatedly. In our case, all the roads are paved with stones, equipped with aqueducts, and are almost always flat and passable by carriage, especially those that lead from the church of *Ecce Homo* to the main church, which is also called *Maestra*. Furthermore, the fact that there is no difficulty in accessing the place is proven by the fact that the spiritual administrator of the church of *Ecce Homo*, the assistants, and

[*Latin ed. p. 549*]

In SYRAGUSANA, 549 chaplains reside in the parish of St. John the Baptist, and in the more distant section from the Church of *Ecce Homo*. This is confirmed by reports from experts and by the very photographs of the streets, which the parish priest of St. John the Baptist presented. The Municipal Council itself issued a decree, prohibiting the bringing of the deceased, as was customary, to the main church, due to the decorum of the main church, but ordered that they be brought to the subsidiary churches. The aforementioned section [of the city] testifies that the parish church of St. John the Baptist has the largest congregation. And the Civil Authority imposed upon the parish priest of St. John the Baptist this year the task

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of leading processions throughout the city of Ragusa, as is customary, "to avoid the ill will of the entire population and the disturbances that were feared," as it stated. All of this demonstrates that there is no difficulty in accessing the parish of St. John the Baptist. The aforementioned section, the parish priest continues, presents some testimonies from which it would appear that a certain infant died without baptism, and another was sick without the sacraments. But, besides the fact that we are only speaking of the danger in which that infant was, without the rites, and the sick person without the assistance of a priest, as is most clearly evident from the testimonies of the parents, the *Oeconomus* of the Church of *Ecce Homo* testifies that it is impossible for infants in Ragusa to die without baptism, because the midwives have the custom of privately administering baptism. Furthermore, the parish of St. John the Baptist has four subsidiary churches, in which the Gospel and Christian doctrine are explained every day, on feast days; there is a baptismal font, all the sacraments are administered, including Holy Communion, and the viaticum; all functions are celebrated, even during Holy Week; and there, the deceased are brought, and funerals are celebrated. In addition, there are 15 assistant chaplains in Ragusa, besides the parish priest, and 45 other priests. It makes no difference that the number of parishioners is 32,000, because in law, only the number of parishioners is not a sufficient cause for the division of a parish: thus, the Doctors [of Canon Law], and the Sacred Congregation of the Council in Messana, on May 9, 1840, where it is written:

[*Latin ed. p. 550*]

550 FROM THE DECREES OF THE COUNCIL: "The Doctors rightly observe that, even if the number of parishioners has increased extraordinarily in a given place, a remedy through the division of the parish should not be sought, since assistance can always be provided through the appointment of one or more vicars." However, in fact, in the year 1899, the number of parishioners was 34,000, and there were ten assistant pastors, but no one felt or expressed the need for a division; today, this number has greatly diminished, and there are 15 assistant pastors present. Furthermore, note that so many parishioners live in a small territory, as is evident from the topography. And such populous parishes are common in Sicily; for example, Vittoria and Comiso, near Ragusa, number almost 30,000 parishioners, and in Catania, there is only one parish. The pastor observes that some have fled, seeking greater benefit for the Church. But it is responded that not any benefit whatsoever is sufficient for the division of a parish, but that an evident and absolute benefit is required, as noted by Van-Espen, *Iur. Eccl. Univ.*, part 2, title 2, chapter 2, § 24, and as has been defined on several occasions by the Sacred Congregation, in *Acta S. Sedis*, vol. 4, page 268, vol. 10, p. 272, vol. 12, p. 287, and vol. 13, p. 406. This benefit, however, is not present, as is evident from the letter of the Archbishop to

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the archpriest after the canonical visitation, in which he writes: "The fervor of affection, the enthusiasm, and the religious life of this people deeply moved me and left the most vivid impression in my heart." Indeed, division is a cause of discord and division among the clergy and the people, a source of disputes concerning pious foundations, functions, and processions, etc., as has been the case this year. Of no small importance are also the dignity and splendor of the Church of Saint John the Baptist, which is adorned with the title of Cathedral and Basilica, and which should be the residence of the Archbishop of Syracuse for several months of the year. — De Luca, in his notes on the Council of Trent, *Discept. 16*, expressly states that this is a reason for denying the division of the parish. Furthermore, the wish of almost the entire clergy and people, as well as the wish of all the priests, procurators, and...

[*Latin ed. p. 551*]

The establishment of a parish with 551 inhabitants in Syracusanae is certainly of the greatest importance. However, it is known that the proposal was opposed by some municipal councilors, as well as by the temporary Syndic, and by a certain society of craftsmen; it should be understood that these individuals favored socialist views and were not motivated by the good of the Church, as could be demonstrated with numerous arguments. In Messanen, Dismembr., May 9, 1840, it is written: "No one is ignorant that, even from the threshold of the sacred canons, the dismemberment of benefices is considered a most grievous offense, since it involves alienation, as the Abbot states in Cap. Concerning hearings, Lotterius, On Church matters, chapter 31, question 28, number 4, etc., and the Sacred Roman Rota recently, page 7, decree 68, number 1. Hence, it is taught that it should only be permitted in cases of urgent necessity or evident benefit to the Church, according to canon 52, cause 12, question 2, chapter 2, cause 10, question 2, chapter 1, On ecclesiastical matters, not alienation. The Sacred Rota has stated on several occasions, especially when discussing parochial matters: 'For nothing more alters the condition of churches, especially parochial churches, than divisions or dismemberments,' as Lotterius says in the aforementioned passage. Indeed, if, as in our case, there is no endowment, no canonical reason, and no benefit, but rather several and serious inconveniences, the dismemberment of the parish church of St. John the Baptist would be extremely objectionable, and therefore should not be granted. On the contrary, the patron who argued that the sentence of the Archdiocesan Court of Syracusanae should be upheld, considers the matter from two perspectives: that of law and that of fact. Regarding the former, the patron appeals to the most famous decree of Alexander III, "Ad audientiam nostram," Book 3 of Decretals, Title 48, On churches to be built, and to the decree of the Council of Trent, Chapter 4, Session XXI. In the aforementioned decree, the following is stated: "Know that it has come to our

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attention that a village called H is so far from the parish church that, during the winter, when the rains flood, the parishioners cannot reach it without great difficulty; because, it is said, the aforementioned church is abundant in revenues."

[*Latin ed. p. 552*]

552 FROM THE HOLY GENERAL COUNCIL: In order that, besides the revenues of that village, the minister there may be able to sustain himself, We command that, if this is the case, the Church be established there, and within it, a priest, without any obstacle to his appointment, by the presentation of the rector of the larger Church, with the consent of the canon founder, to provide for his support from the ecclesiastical revenues of that same village; taking care, however, that due honor be maintained in that place for the Mother Church, according to the resources of the locality. If, however, the person in charge of the Mother Church should fail to present a suitable man, or should be unwilling to carry out this work, you nevertheless shall see to it that this work is completed, and that a good man is appointed, without any refuge in the matter of his appointment. In the aforementioned Chapter IV of the Council of Trent, it is stated: "Furthermore, bishops, as delegates of the Apostolic See, in all parochial or baptismal churches in which the people are so numerous that one pastor cannot suffice to administer the ecclesiastical sacraments and to perform the divine services, shall compel the pastors, or others to whom it pertains, to add as many priests as are necessary to this ministry, so that they may administer the sacraments and celebrate the divine services. In those places, however, in which, on account of the distance of the place or some other difficulty, the parishioners cannot, without great inconvenience, have access to the sacraments and divine services, new parishes may be established, even without the consent of the pastors, according to the form of the constitution of Alexander III, which begins *Ad audientiam*." Therefore, according to the laws set forth, there are two causes for the division [of a parish], namely, distance or some other impediment by which the faithful cannot, without great inconvenience, have access to the parochial church. Fagnanus notes (Chapter *Ad audientiam*) that this impediment can arise from any source, and that Trent has used the alternative expression, namely, on account of the distance of the place or some other difficulty, so that either one is sufficient. Furthermore, the Council imagines two cases: first, that the people are so numerous that the pastor cannot, by himself, govern them; second, that, on account of the distance of the place or some other difficulty, the faithful have great difficulty in reaching the parish.

[*Latin ed. p. 553*]

In the case of Syracuse, assistance can be provided. In the first instance, coadjutors are to be added to the parish priest; in the second instance, the

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parish must be absolutely divided. Bouix, *De Parocho*, p. 2, chapter 4, proposition 6. For if the Bishop cannot erect a new parish, or divide the old one, except in the case where he cannot sufficiently assist the parishioners who are too distant, through a chaplain or vicar residing among them, it scarcely seems that there can ever be a place for division, as Bouix states in the aforementioned passage. Similarly, Pignatelli holds this view in Volume 4, Consultation 230, No. 9; and Van-Espen, *Ius Eccl. Univers.*, Part II, Section II, Title II, Chapter III, No. 30. However, even if the Council of Trent decreed that coadjutors should be assigned to parish priests due to the large number of parishioners, the Roman Pontiffs have interpreted the law of Trent in such a way that whenever the number of parishioners exceeds 30,000, the people are assisted through the erection of a new parish. The author recalls the constitution of Pius VI, *Quod aliquantum*, dated March 10, 1791, in which the Pope declares that parishes containing more than six thousand parishioners exceed the capacity of a single parish priest, and orders a new parish to be erected. Having thus established these theoretical principles, the author notes that current jurisprudence favors the division of parishes to the greatest extent possible, citing several decisions of the Sacred Congregation, such as those in Aquinaten, March 17, 1827; in Comen, December 5, 1750; in Nolana, February 3, 1758, etc. Furthermore, there are also more examples of divisions due to the number of people, as can be seen in the *Acta S. Sedis*, Volume 17, page 280, in Manfredonia; and in the case of January 25, 1879, in which two cases were presented concerning division, namely, the distance which did not exceed one mile, and the increase in the number of inhabitants to 20,000. Indeed, according to current jurisprudence, division of parishes is undertaken not only for the needs of the Church, but also solely for the benefit of the faithful: as testified by the *Acta S. Sedis*, Volume X, page 72, and p. 273; Volume VIII, page 525; Volume IV, page 270. Having established these principles in law, the author, addressing the factual question, undertakes to demonstrate 1. in the first case, canonical...

[*Latin ed. p. 554*]

554 From the records of the Sacred Congregation, the reasons for the division of the parish of St. John the Baptist in the city of Ragusa are presented; 2. The Archbishop, in carrying out this division, has proceeded according to the prescriptions of the law. Regarding the first point, the petitioner refers to the judgment of the Archbishop of Syracuse, in which such cases are described according to the documents presented. And first, concerning the condition of the roads, it is stated that it is very difficult to build roads throughout the entire parish district up to the parish of St. John the Baptist; so that, in winter, due to the deep mud of the roads, and in summer due to the dust, which is very harmful to the eyes and throat under the scorching sun, ”the inhabitants cannot easily access the church

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of St. John the Baptist." Regarding the distance, from the most remote part of the region mentioned above to the main entrance of the parish church of St. John, the distance by road is not far from a mile: which is considerable, not only because, according to the decision of the Sacred Congregation of January 25, 1879, concerning divisions, a distance of less than a mile is sufficient for a division, but also considering the nature of the faithful in the city of Ragusa, which lies on the extreme southern shores of Italy. It should be added that, up to now, thirty-three thousand inhabitants are contained within one parish. Nor is it necessary to resort to the remedy of assistant priests. For, besides the fact that this would be contrary to the disposition of the Council of Trent, the Archbishop testifies that the experience of fifteen assistant priests established in the parish of St. John has shown that such a remedy is entirely insufficient in this case, and that sworn testimonies, properly drawn up and extant in the records of the case, demonstrate this. The Archbishop notes that the church of *Ecce Homo* is well maintained, and its revenues amount to 300 livres. Furthermore, it should be noted that, after the division, the new parish will contain 13,485 parishioners; while the old parish will still have a population of 19,099 inhabitants. The petitioner then calls attention to the signatures that the opponents present against the erection of the new parish.

[*Latin ed. p. 555*]

SYRACUSE: It is either false, or obtained by deceit. Regarding the subscriptions of the "Delle Dame di S. Vincenzo," the patron notes that the majority do not belong to the aforementioned congregation; among the women who signed, some do not reside in the city of Ragusa, and others have not yet reached the age of twenty-five; while the women of the congregation of San Vicente number barely sixty, the number of those who signed in favor of the opposing side reaches 106.

The patron presents the subscriptions of 26 priests of the city of Ragusa, who earnestly request that the decision of the Archbishop be confirmed. There are also subscriptions in the records favoring the division; but the patron notes that the faithful, heeding the warnings of the Archbishop, have refrained from seeking out further subscriptions. Finally, the patron states that it must not be overlooked that the parish church of San Giovanni Battista can hold no more than three thousand faithful, so that on major feast days, such a large crowd would be gathered there with a certain lack of propriety. From this, the patron concludes that canonical reasons were present in this case, by which, for the benefit of souls, the division of the parish of San Giovanni Battista should proceed.

Lastly, the patron demonstrates that the Archbishop of Syracuse observed the formalities of law in the division of the parish that was to be carried out. He indeed obtained the unanimous consent of the canons; he not only sought the opinion of the pastor of San Giovanni

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Battista, but also of six representatives of the same parish, of whom three voted in favor of establishing a new parish, and three voted against it. The people also, through their legitimate representatives, as evidenced by the municipal deliberation of February 6, 1901, expressed their vote in favor of establishing a new parish. Furthermore, all proceedings were completed in a proper legal manner; representatives of both sides were appointed, and a deadline was given for presenting documents and for a final discussion.

Moreover, a sum of 500 livres per year was allocated by the municipal councilors, after an election held on May 13, 1901, in which only three abstained, until "he will not undertake the task."

[*Latin ed. p. 556*]

556 FROM the administration of the Fund for Religious Worship, according to Article 28, No. 4, of the Law of July 7, 1866, No. 3036, and Article 1 of the Law of June 4, 1899, No. 191. As the Archbishop notes, this provision is certain, perpetual, and sufficient; certain because it stipulates an annual payment of 500 *lire* to be paid to the parish priest; perpetual because the municipality of Fondi is obligated to pay it by right, based on the legal title of abolished burial fees, until the administration of the Fund for Religious Worship receives a greater amount; sufficient, as this same amount is deemed sufficient for the parish priest of St. John the Baptist, and also because other parochial revenues are to be added, which, based on experience, do not exceed 400 *lire* on average. Finally, the boundaries of the new parish have already been defined, as the Archbishop himself testifies. Lastly, in order to avoid any dispute regarding the allocation of the provision, the economist of the new parish, Ecce Homo, sent a declaration to the Archbishop of Syracuse and to this Sacred Congregation, in which he undertakes to establish the aforementioned endowment in his own property located in the territory of Fondi. The patron concludes his statement by noting that, since August 24, 1901, the Archbishop's decision regarding the division has been carried out. The parish of Ecce Homo is governed by a priest who serves as economist, and indeed, it is entirely independent in all matters from the parish of St. John. And as the vicarius foraneus and the syndic testify, everything is proceeding well, without disturbance or discord, indeed, with great joy and benefit to the people. Considering these matters, the following question was proposed for discussion: Whether the decision of the Archbishop of Syracuse should be confirmed or rejected in this case. RESOLUTION. The Sacred Congregation, after discussion on March 28, 1903, decided to respond: The decree is to be confirmed, and so it is decreed.

[*Latin ed. p. 557*]

From the Acts of the Congregation of Bishops and Regular Canons of Thelesina, also known as Cerretana, dated August 22, 1902. In the

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diocese of Thelesina, also known as Cerretana, the parish priests and other beneficed clergy, apart from the cathedral canons, pay annually to the Bishop a fourth of their income, or, as they call it, a fourteenth. This tax was not paid by the priest Iadanza, the parish priest of Saint Martin in Solopoca, who at the same time was involved in another dispute with the clergy of the church of the Most Holy Body of Christ in the same town, regarding funerals and other functions, as has already been explained. The Bishop, who had appealed to the Sacred Congregation of Bishops and Regular Canons for the enforcement of the parish priest, received a response on February 4, 1902, stating that he should exercise his right: the Bishop threatened the parish priest Iadanza with suspension from divine office if he did not pay the fourteenth within eight days, which amounted to the sum of 17 livres. The parish priest, in response to this penal measure by the Bishop, appealed to the same Sacred Congregation.

SUMMARY OF THE CASE. SYNOPTIC ACCOUNT IN FAVOR OF THE PARISH PRIEST OF SAINT MARTIN.

Firstly, the parish priest Iadanza, having stated that he is ready to comply with the resolution of the Sacred Congregation, argues that he was not provided with the documents by the Bishop, but rather they were sent directly to the Sacred Congregation. Secondly, in order to prove his intention, he argues that his parish should be exempt from such a burden for two reasons. 1.° Because this tax has never been imposed on this parish, as on other parishes, and by several...

[*Latin ed. p. 558*]

558 FROM the Decrees of the Bishops and the Royal Decrees: The citizens of Fondi claim that the tax was imposed on a town from which the Bishop himself was an outsider and a foreigner before the establishment of the parish. 2.° In the settlement of the tax, although the Bishop presented a certificate to the Administration of the Cult Fund regarding this tax, this certificate was rejected, because an investigation carried out by the Royal Sub-Economus of Vacant Benefices revealed that the parish was in no way subject to this burden. REASONS FOR THE BISHOP. On the contrary, the parish of St. Martin is subject to this burden, as results from the agreement entered into in the year 1698 between the Bishop of Telese, Sabinus, and the parish priests and collegiate churches of the diocese of Telese or Cerreto, and from the synodal laws, in the latter of which the following clause is found: "What is due from the Cathedral, the same is due from the fourth [tax], which, since it has the nature of a Cathedral endowment, is subject to the same laws." Furthermore, the Bishop proves the existence of this burden from the judgment of the Supreme Court of Naples, pronounced against the Administration of the Cult Fund and published on May 12, 1879. The Administration claimed that the goods of the collegiate churches of the diocese of Telese, seized by it, should be exempt from this tax; but

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the Supreme Court recognized that this payment was a real burden, and therefore the Administration's case failed. Finally, the Bishop notes that he pays different taxes on these goods, which certainly would not happen if these payments did not exist legally and by obligation; furthermore, these are listed in the inventory of the assets of the ecclesiastical court as an active item; hence, there can be no doubt about the obligation of the parish priest to pay this aforementioned tax. With these arguments presented by both sides, the following question is formulated: Whether the parish priest of St. Martin in the town of Solopaca, in the diocese of Telese or Cerreto, is obligated to pay the tenth [tax] to the Diocesan Bishop in this case? RESOLUTION. The Sacred Congregation of Bishops and Regular Canons, after discussing the case on August 22, 1902, responded: Affirmatively, and furthermore.

[*Latin ed. p. 559*]

559 THELESINA or CERRETANA. REGARDING PAROCHIAL RIGHTS. On August 22, 1902, in the town of Solopaca, in the diocese of Thelesina or Cerretana, in addition to the two parish churches of Saint Martin and Saint Mark, there is a chapel of the Most Holy Body of Christ, which is almost independent of the parishes and has its own clergy. It appears that this chapel was, from ancient times, the only church in the town, as it only contained burial places; but whatever the case may be, it is certain, as the Bishop of Thelesina states, that for two centuries, funeral rites, burials, and anniversary masses for the deceased have been celebrated there. The parish priests, although not formally assigned to the clergy of the chapel, participate in services with other priests, and they also possess a certain "right of blessing," distinct from the fourth funeral rite, which has always been denied to them. In the year 1898, the parish priest of Saint Martin, Father Anthony Iadanza, began to perform funeral rites and other funeral services in his own church. However, the chaplain of the Chapel of the Most Holy Body of Christ protested against this practice. The Bishop of Thelesina forbade the parish priest of Saint Martin from performing funeral services in his own church, under penalty of suspension, should he continue to do so. From this decree, Father Iadanza appealed to the Sacred Congregation of Bishops and Regular Canons. SUMMARY OF THE CASE. A SYNOPTIC ACCOUNT. THE CLAIMS OF THE CLERGY OF THE CHAPEL OF THE MOST HOLY BODY OF CHRIST. The sum of these claims is as follows: First, from the testimony of the syndic, and from the sworn depositions of the Vicarious Forane and Archpriest D'Amore, and of other citizens of the town of Solopaca, as well as from the records of the parishes, it is clearly established that in the aforementioned chapel,

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only before the erection of the public cemetery...

[*Latin ed. p. 560*]

560 FROM S. C. EPISCOPUS ET REGULUS: It has been the case, since times beyond human memory, that there have existed burial places for interring bodies, and that only funeral rites and ceremonies have been performed there. Indeed, the parish priest of Iadanza does not hesitate to state that, for half a century, the deceased have not been buried in the parish churches. Furthermore, the clergy assert their right through a convention entered into between them and the parish priests in the year 1872. By virtue of this convention, parish priests, even if not assigned to a particular church, are granted the right to participate in funeral ceremonies, just as the clergy are permitted to attend and participate in festive ceremonies held in two parishes. The current Bishop adds that this convention was approved by his predecessor, although he stipulates that in festive ceremonies held in both the parish church and the individual parishes, individual members of the clergy must be present, even though this decree is lacking in the Episcopal Archives. Regarding the alleged restriction imposed on the parish priest of Iadanza, the Bishop observes that it was a temporary measure intended to remove a scandal. In fact, although canonists teach that parish priests have a legally established right to perform the funerals of their parishioners, nothing prevents these rights from being lost through contrary custom or prescription; whatever may be the object of a convention, it is also the object of prescription. In particular, regarding funerals, Ferraris, in *Bibliotheca Canonica*, Volume IV, chapter *De Funeribus*, number 3, states that a prescription of forty years is sufficient. Therefore, in this matter, nothing would stand in the way, even if the church of St. Martin had previously had its own cemetery. THE RIGHTS OF THE PARISH PRIEST OF IADANZA. ON THE CONTRARY, the parish priest of St. Martin observes that his parish was granted to him with all honors, burdens, and rights, as stated in the granting Bull. Indeed, this Bull would be absurd if a supposed custom were admitted, and then it would follow that burdens remained for the parish priest, and the emoluments of funerals, with their accessories, would be ceded to the chaplains of the parish church, while these would bear no burden that does not seem to correspond to justice. This parish priest adds...

[*Latin ed. p. 561*]

THELESINI, or CERRETANI, 561: It is stated that the aforementioned parish was suppressed by the government, and now only two chaplains remain, although others have been appointed, but only in title. Furthermore, the parish priest, Iadanza, presents a decree of the Bishop of Thelesini, dated January 12, 1638, concerning rural affairs, from which it is evident that privileges were granted to the chaplains, or clergy, of the aforemen-

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tioned church, with due regard for the rights of the parish priest. Hence, the parish priest argues that he is entitled to the fourth part of the funeral expenses in the case of a burial chosen by his parishioners within the church of the Most Holy Body of Christ. However, in order to abolish the ancient custom, he proposes the sworn testimony of certain citizens, who recall that a parish cemetery existed in ancient times in the area near the church, upon which now stands a house belonging to a certain Scutillo. It is established in law that parish priests are entitled to legal assistance for the funerals of their parishioners, or at least for the fourth part of the funeral expenses; therefore, since he claims these rights for himself, the burden of proof rests upon him. Regarding the chaplains, the arguments do not appear to be sufficiently sound. They primarily rely on the ancient custom; but, moreover, that custom cannot be considered ancient, as has been stated above by the parish priest, and it also lacks the requirement of reasonableness. It does not seem reasonable that the parish priest should bear the expenses, while the chaplains of the church receive emoluments and offerings. Furthermore, the exclusive burial and, even today, the public exposition and funeral only within the church of the Most Holy Body of Christ would prevent the faithful from choosing a burial place, which, according to canon law, should be entirely free. Finally, no weight should be given to the agreement entered into between the parish priest and the clergy of the church, upon which the Bishop of Thelesini seems to base his decision; moreover, this agreement appears to lack authenticity, and furthermore, it was personal and cannot bind successors. With these considerations in mind, the following question is proposed: Whether and how the custom should be maintained in the town of Solopaca, concerning the church of the Most Holy Body of Christ.

[*Latin ed. p. 562*]

562 FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS, concerning the law regarding the burial of the dead, concerning funerals, anniversaries, and other similar functions in such cases. RESOLUTION. The Sacred Congregation of Bishops and Regular Canons, after mature discussion on August 22, 1902, responded: Affirmative, and furthermore.

FROM THE SECRETARY'S OFFICE: EXTENSION of the privilege of the Bull of the Cross for the Spanish Dominion, to Alphonso, our beloved son in Christ, King of the Spaniards, Catholic. LEO XIII, POPE. Most beloved son in Christ, our greetings and the Apostolic Benediction. While the fury of the infidels stirred up continuous wars against Catholic princes and peoples in various regions of Europe, and especially in Italy, threatening the extreme peril of the destruction of souls, Philip II, King of the Spaniards, Catholic, received from this Holy See certain letters, by which several graces and favors, both spiritual and temporal, were

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granted for a certain period to those faithful from the Spanish Dominion who would set out against the infidels, or who would contribute with their military service or with a pecuniary sum to the necessary expenses of those expeditions. This Indult was subsequently extended, with some additions or declarations, by our predecessors, the Roman Pontiffs, and again, although there was no urgent necessity for fighting against the infidels, yet with the intention that alms collected from the concessions included in the Indult should be used for pious purposes. Furthermore, in a solemn agreement on ecclesiastical matters concluded with the Queen of the Spaniards, Catholic, on March 16, 1755, and confirmed by similar Apostolic letters on September 9 of the same year, it was stipulated that in the future, in the Spanish Dominion, the Ordinary prelates of each diocese should, with regard to the Bull of the Cross, [the sentence is incomplete].

[*Latin ed. p. 563*]

FROM THE SECRETARY'S OFFICE, BRIEF 565, it is to be provided to them the benefits to be granted, according to the norm established in the most recent Apostolic Indult, saving the obligations to which said benefits are subject, by virtue of agreements concluded with the Holy See; and in the additional agreement concluded on the twenty-fifth of August, 1859, it was expressly stipulated that, in the future, all revenues from the Bull of Indulgence, except for the portion due to the Holy See as mentioned above, must be exclusively applied to the expenses of divine worship. Furthermore, concerning the Apostolic privileges annexed to the office of the General Commissary of the Bull of Indulgence, and the corresponding attributions established in Article XL of the aforementioned solemn Agreement, it was stipulated that these should be exercised with the amplitude and form prescribed by the Holy See. Now, since the aforementioned Bull of Indulgence, whose Indult was most recently extended by Us, is to expire on the First Sunday of Advent next preceding the year 1902, perpetual prayers have been presented to Us in the name of Your Catholic Majesty, so that We might, once again, extend it by Our Apostolic authority. Therefore, considering that the revenues to be collected under said Indult are to be applied to the expenses of divine worship, and in order to alleviate the hardships of the churches of Spain, which have been afflicted by so many losses in recent times; We have decided, to the extent that We can, to grant your desires. Wherefore, by Our Apostolic authority, by the tenor of these present letters, for a period of twelve years only, beginning with the First Sunday of Advent of the coming year, We grant and concede that all Christian faithful of both sexes residing in the Kingdom of Spain, and in the islands and other overseas territories subject to Your Majesty's dominion, or traveling to or within the same kingdom and islands, who, within the years mentioned above, and according to the customary publication of these present letters, spontaneously contribute an alms to the office of the General Commissary,

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which has been substituted for the Archbishop of Toledo, and which is proven by the executor of these letters to be of a certain amount and in accordance with the grade and condition of said Christian faithful, may enjoy the graces, favors, and privileges which We shall now declare. Of these, a summary shall be prepared by the aforementioned executor, which each of the aforementioned Christian faithful shall receive, so that they may enjoy the privileges, favors, and graces. I. And first of all, to all of said Christian faithful, and

[*Latin ed. p. 564*]

564. FROM THE SECRETARY OF BREVES, We grant to all those who, truly contrite for their sins, have confessed them within the aforementioned year and have received the Most Holy Sacrament of the Eucharist, or, if they are not able to receive these Sacraments, who at least desire them with a contrite heart; a plenary indulgence for all and each of their sins, and a remission thereof, which is customarily granted to those going to the Holy Land, and We bestow it generously. However, those who are unable to confess their sins, and who desire to do so with a contrite heart, shall enjoy the aforementioned plenary indulgence only if they have confessed to a priest of the Church within the prescribed time, and have not neglected to fulfill the precept of this Our concession. Furthermore, the same indulgence shall also benefit the souls of the deceased, for those Christian faithful who have offered alms of good works, as determined by the Archbishop of Toledo, for them, and have offered them for the aforementioned pious uses.

II. Moreover, to all and each of the aforementioned Christian faithful, so that they may, during the aforementioned year, be permitted to celebrate the Divine Office in churches where such services are otherwise prohibited, or in a private oratory dedicated solely to divine worship, visited and designated by the Ordinary, even during the time of interdict, to which they have not given cause or for which they have not stood in the way, or to those who have had the faculty to have these Divine Offices celebrated by others, even during the hours of morning and evening, in the presence of their family and domestic relatives, to celebrate Mass and other Divine Offices for themselves, if they are priests, or to attend them if they are not, with the doors closed and the bells not rung, and excluding the excommunicated and especially those under interdict, provided, however, that if they wish to use the aforementioned private oratory, they shall be obliged to offer prayers to God for the exaltation of Holy Mother Church, for the propagation of the Catholic Faith, for peace and concord among Christian princes, for the extirpation of heresies, and for the conversion of sinners. Furthermore, during this time of interdict, the Eucharist and other Sacraments shall not be received in the aforementioned churches or oratory, except on the days of Easter, and the bodies of the aforementioned Christian faithful who die during this time of interdict may be buried with

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a moderate funeral ceremony, unless they have died bound by the bond of excommunication.

[*Latin ed. p. 565*]

EX SEGRETARIA BREVIUM 565 III. Praeterea, in terris quae sunt sub potestate Hispaniae, sed non in aliis locis, eidem fideles, dummodo observent praedictas quadragesimales, sicut et ceteris diebus huius anni, in quibus usus carnis, ovorum et lacticiniorum est prohibitus, eosdem, si necessitas medica, infirmitas corporis, vel alia quaecumque urgentia eorum exigat, uti eisdem valeant, servata scilicet lege ieiuniorum, libere et licite, Apostolica auctoritate concedimus et indulgimus. Verum, ad tempus quadragesimale attinet, ab hoc indulto volumus exceptos Patriarchas, Archiepiscopos, Episcopos, Praesules inferiores, nec non regulares Ecclesiasticos Ordines non militares et Presbyteros saeculares qui ad sexaginta annorum aetatem non pervenerint.

V. Item, hisdem fidelibus, dicto anno, qui dies extra dies ieiunio consecratos volentarie ieiunaverint, aut a ieiunio legitime impediti, pium aliud opus sibi a Paroco vel Confessario praescribendum peregerint et pro exaltatione Sanctae Matris Ecclesiae, propagatione Catholicae fidei, pace ac concordia Christianorum Principum, haeresum extirpatione, peccatorum conversione, pias Deo preces obtulerint, quindecim annos et totidem quadragenas indulgentiae et remissionis, dummodo sint contriti, misericorditer in Domino tribui, eosdemque participatione donamus orationem, eleemosynarum aliorumque piorum operum quae, ipso illo die quo ieiunaverint, in tota militante ecclesia peragantur.

V. Praeterea, Christifidelibus ipsis, dicto anno, in singulis diebus stationum Almae Urbis Nostrae et quinque ecclesias seu altaria aut in illorum defectum quinquies unum et idem altare, Monialibus, cuiusvis Ordinis et Instituti regularis, ac mulieribus et puellis in quibusvis monasteriis seu conservatorum degentibus, si forte ecclesias non habuerint, capellas ab ecclesiasticis viris earum legitimis superioribus designandas respective devotis visitantibus, et in eis pias ad Deum preces ad praedictos fines effundentibus, omnes et singulas indulgentias, peccatorum remissiones et poenitentiarum relaxationes aliis ecclesiis, tam intra quam extra moeniam memoratae Almae Urbis Nostrae, ad quas Stationes fixae existunt, eadem Apostolica Nostra auctoritate misericorditer in Domino concedimus. Immo, diebus in quibus etiam pro Stationibus Urbis partialis...

[*Latin ed. p. 566*]

566 FROM THE SECRETARY'S OFFICE, only this is given: We grant that the aforementioned faithful, truly penitent and having confessed, and having received Holy Communion, may gain the Plenary Indulgence for all their sins and the remission thereof, but only once on each of the aforementioned days. Furthermore, We decree and declare that all the indulgences

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which are granted in these Apostolic Letters may be applied to the souls of the faithful who, joined to God in charity, have departed this life.

VI. In order that the aforementioned faithful may more easily enjoy these holy indulgences, We grant that they may, twice, that is, once in life and once at the hour of death, choose a secular or regular priest, who is an approved confessor, with whom they may, in the forum of conscience, confess all their sins and receive absolution from all censures, except for the crime of heresy, and so that ecclesiastical censures, except those imposed by the Constitution of Pope Benedict XIV, *Sacramentum Poenitentiae*, may also be lifted, and that salutary penances and other things which are justly prescribed may be imposed.

Furthermore, We likewise grant, with Our authority, that simple vows made by the faithful themselves, except for the vow of chastity and religion, may be commuted by the confessor in other pious works, and that a contribution may be given to the executor of these letters, to be transmitted to the aforementioned pious institutions.

VII. Moreover, We grant to the aforementioned faithful, not only once, but twice, each year from the publication of these letters, to offer the aforementioned alms, so that a summary of these benefits may be collected and presented, and so that, as a suffrage for the souls in Purgatory, they may obtain the aforementioned indulgences, concessions, and graces, and that, within that same year, as is stated above, they may participate in the good works of the devoted, all in the Lord.

VIII. Furthermore, We grant to the executor of these letters the power to remit, with the exception of those who are bound by ecclesiastical censures, irregularities incurred by celebrating Mass or performing other divine offices in contempt of the keys, or by interfering in other divine matters, and also any other irregularity arising from a fault, provided that the person has not been contumacious for more than six months, and except always for irregularities arising from homicide, simony, or apostasy of faith, or heresy, or schism.

[*Latin ed. p. 567*]

From the SECRETARY'S BRIEF 567, it is permitted to grant dispensations to those who, through another offense, have caused scandal to the people, provided that a suitable alms be paid in the aforementioned pious foundations of this Our concession, and that other things be prescribed which are legally required. Furthermore, it is permitted to validate the titles of other benefices received by those subject to such irregularities, with the exception of those holding dignities of any kind from cathedral or major churches, or those holding benefices with the care of souls attached, and to decree a composition to be paid from the fruits of such benefices, to be paid into the same pious foundations.

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IX. We grant the same power to permit noble or qualified persons to celebrate Mass, either by themselves, if they are priests, or to allow others to celebrate Mass in their presence, either in the morning or in the afternoon.

X. Furthermore, it is permitted to allow ecclesiastical persons who, for the restitution of the fruits of simple benefices, which do not require the care of souls or personal residence, are held to be liable for a suitable composition on those same fruits, due to the omission of reciting the canonical hours, to pay half of such composition to the Churches or other places for which reason they are obliged to recite the aforementioned hours, and to admit the other half into the aforementioned pious foundations.

XI. In addition, it is permitted to grant dispensations with alms to be paid into the same pious foundations, to those who, through hidden impediments of affinity arising from an illicit marriage, have been subject to such prescriptions, provided that they have entered into marriage with at least one spouse in good faith, and that they renew the consent between themselves in secret, so that they may lawfully remain married; and it is also permitted to grant dispensations to those who owe a debt to those who have contracted such affinity after marriage.

XII. We also grant the executor the power, for the sake of conscience, to decree a suitable composition to be paid into the aforementioned pious foundations, for unjustly offered or acquired goods, provided that the lords to whom restitution would be due cannot be found, after due diligence has been used to find them, and that the debt has been made with due diligence by the debtors, and that the same debtors have not stolen or acquired anything in reliance and under the hope of such a composition.

[*Latin ed. p. 568*]

368 FROM THE SECRETARY'S BREVIARY XIII. Finally, we desire and decree that, according to Article XL of the aforementioned Convention, and also according to another additional convention of the year 1869, the Ordinary Prelates for the Hispanic jurisdiction, in their respective dioceses, administer the alms or revenues in such a way that the benefits of this concession are received, so that this ecclesiastical administration is entirely diligent and not subject to negligence, that is, it is exercised by the aforementioned designated Ordinaries. And since, in previous indulgences and in the most recent Crusade concession decreed by Our Predecessor, Pope Leo XI, it was established that certain sums would be paid from the alms collected to Our Patriarchal churches at the Lateran Palace and the Vatican, and also to the Apostolic Nuncio to the Catholic King, and to Our Secretary's Breviary, We likewise decree that, from the funds collected through this Our concession, the same sums be paid to the aforementioned Archbishop of Toledo in exactly the same manner. And to the aforementioned executors of these decrees, we command that they also bind themselves with a special guarantee to ensure the completion of said

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payment. Furthermore, we desire and command that the Archbishop of Toledo take care to have a summary printed, and that he distribute it to the other Ordinaries according to their requests. Moreover, by Our Apostolic authority, we grant that the aforementioned Archbishop, as executor, may translate these Our letters into the vernacular language, and may publicly publish and announce, in writing or by printed copies, examples of the content thereof in any place within the Hispanic jurisdiction. And both he himself and each Prelate in his respective diocese shall appoint suitable assistants, and also trustworthy custodians and other similar officials, to collect alms for the aforementioned pious causes, and shall establish them with suitable powers, and the aforementioned Archbishop shall be able to carry out all that which may be deemed conducive to the easier execution of these letters. All of these things, individually, we grant and concede, we decree and command, without prejudice to Our and the Apostolic Chancery's regulations regarding the non-granting of indulgences in a similar manner, and to other decrees, constitutions, and ordinances of the Holy See and the General Councils.

[*Latin ed. p. 569*]

From the Secret Briefs 569 and other decrees, and from any other form of publication, by which all and each, including those in which a particular and explicit mention is made, we entirely derogate from the effect and full force of these Our letters, and from all other contrary things whatsoever. We also wish that the same faith be given to copies of these letters, even those printed with types, as to those same letters presented by this very diploma, provided that they are duly noted, publicly subscribed, and sealed with the seal of some person constituted in ecclesiastical dignity. Given in Rome, at St. Peter's, under the Fisherman's ring, on the 15th day of September, 1902, in the 25th year of Our Pontificate.

A. CARD. MACCHI.

Doubt concerning the blessing of the double type of St. Benedict medals.

LEO XIII, Pope.

For the perpetual memory of the matter.

Beloved sons, Hildebrandus de Hemptinne, of the Order of St. Benedict, and Bonifacius Krug, Abbot Ordinary of Montis Cassini, for the true exposition of the matter, have, out of the kindness of Our Predecessors, the Roman Pontiffs, shown to Us that the crosses or medals called "of St. Benedict" have been augmented and enriched with most excellent indulgences. Of these, there exist two species, one common, and the other which began to be spread among the people from the centennial year of 1780. But since some doubts have arisen concerning the use of blessing these very medals, and granting indulgences to others, so that all cause of ambiguity may be

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removed, these Our beloved sons have humbly made supplication to Us, so that We may decide this matter, and We, gladly acquiescing in these pious requests, and embracing the Order of St. Benedict, Our Father, which is so highly esteemed by the Church of God and for the merit of love and charity towards human society, confident in the mercy of Almighty God and in the authority of the blessed Apostles Peter and Paul, do hereby grant, for all time, that all priests of the Order of St. Benedict, whether simply or solemnly professed, may, observing what is to be observed, have the privilege of blessing both kinds of medals.

[*Latin ed. p. 570*]

570 FROM THE SECRETARIAT. A decree is issued: Abbots who preside over Congregations shall also enjoy the faculty of delegating secular and regular priests to bestow blessings upon both types of coins: Furthermore, to the Abbot Primate and the Abbot Ordinary of Monte Cassino, in addition to the aforementioned rights, the following faculty is granted: that they may, when they deem fit, grant to certain priests the permission to bless the aforementioned crosses, and to bestow blessings upon other coins as well. However, concerning the delegation of permission regarding the aforementioned coins, which are called "centenary" due to their origin, we wish to state that only the Abbot Ordinary of the Archiepiscopal Monastery of Cassino shall be considered effective and we command this. Contrary to any and all things to the contrary, these present decrees shall remain perpetually in force. We also decree that copies of these present letters, whether transcribed or printed, and signed by the hand of a public notary and sealed with the seal of a person of ecclesiastical dignity, shall be held to be entirely equivalent to the original present documents, as if they were exhibited or shown. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the 12th day of April, in the 25th year of Our Pontificate. For the Lord, CARDINAL NICOLAUS MARINI, Substitute. EX 3. CONGREGATION FOR INDULGENCES, regarding indulgences to be gained by the Deaf and Mute. Whereas the Sacred Congregation of Indulgences and Sacred Relics, in order to remedy the impediment by which the Deaf and Mute are hindered from reciting the prayers prescribed for gaining indulgences, has already provided a general decree on February 16, 1852, in which it stated: "If it concerns private prayers proper to the Mutes and the Deaf, the same prayers may be commuted into other pious works in a manner that is manifest, as they shall judge to be pleasing to the Lord"; nevertheless, the Bishop of Chambéry, considering that the Deaf and Mute are now instructed in a more perfect method, so that they may more easily and with greater spiritual benefit attain indulgences.

[*Latin ed. p. 571*]

FROM THE SACRED DECREES, 571, the following doubt was presented

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to this Sacred Congregation for resolution: Whether it is advisable to grant, by a general decree, to the deaf and mute, who, in each case, do not have recourse to their own confessor, the grace of acquiring Indulgences, by reciting the prescribed prayers by means of signs, or by thought, or only by reading them without any pronunciation? The Fathers, in the general Congregation held at the Vatican on July 1st of the current year, answered: Affirmative; and they requested that His Holiness grant the grace, while the general decree of February 16, 1852, remains in force. In an audience held by the undersigned Cardinal Prefect on July 18th of the aforementioned year, the Most Holy Father approved the request and graciously granted the requested grace. Given in Rome, from the Secretariat of the same Sacred Congregation, on July 18, 1902. S. CARD. CRETONI, Prefect. L. * S. Pro R. P. D. FRANC, Archbishop, Canon, Secretary. COSELLI, Substitute. FROM THE SACRED CONGREGATION OF THE HOLY ROMAN CHURCH, CONCERNING THE EXTENSION AND INTERPRETATION OF THE BULLA CRUCIATA FOR SPANISH PEOPLE. Most Blessed Father. Cardinal Cyriacus Maria Sancha and Hervàs, Archbishop of Toledo and Patriarch of the West Indies, prostrate themselves before Your Holiness, having proposed to Your Holiness, for judgment, certain modifications to the Bulla Cruciata in the entire Kingdom of Spain, which they deem it opportune to introduce in the very text of the aforementioned Bulla Cruciata. These modifications are: I. In paragraph 2.° of the Bulla, the following words seem to need to be substituted for the last words: "not only outside the time of the interdict, but also during the time of the interdict." The reason for this modification is as follows: to bring an end to the theological discussions regarding the meaning.

[*Latin ed. p. 572*]

572 FROM THE SACRED CONGREGATION OF THE HOLY OFFICE AND CONCERNING THE EXTENSION OF THE SAID PERIOD, which certainly presents some difficulty. For some, translating the word "etiam" into Spanish, maintain that it signifies "also," and therefore infer that the grace granted does not merely extend the time of the interdict, but also the time in which such an interdict is not declared. This opinion is almost universally held, as can be seen in the authors who treat of this matter, and it is favored by the Apostolic Commissary of the Crusade himself. However, there are those who translate the word "etiam" in Spanish as "igualmente," and according to their understanding, the grace in question should only apply during the time of the interdict, and not beyond it. Therefore, the question remains to be resolved, and we believe that it can be most easily resolved with a simple modification.

II. Furthermore, in paragraph 3, concerning the forty days to which this indulgence is extended, we wish to except the patriarchs, and lower prelates, as well as the religious clergy, of non-military orders, who reside

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outside the cloister, and the secular priests who have not reached the age of sixty years. However, we wish to except only the religious priests who reside within the cloister, for the greater week, beyond Dominica Palmarum. The motive for this modification is the decision of the Sacred Congregation of the Holy Office on January 31st of this year, in which it was decided, upon consultation with the Reverend Commissary, that secular priests (or those who are called religious) residing within the cloister, according to the Bull of the Crusade, may consume eggs and milk during the fasts of Lent, except for the entire greater week.

III. Finally, paragraph 5 should be revised in such a way that the doubts that appear in the sequence are resolved: "Whether the faithful, repeating the visitation of the altar on the days of the Stations of the City, can obtain another indulgence, in addition to the plenary indulgence already granted for the dead. Whether all the indulgences granted in the Bull can always be applied to the souls suffering in Purgatory." On Thursday, May 7, 1902, in the General Congregation held on the fourth day of the week by the Most Eminent and Most Reverend Cardinals, Generals, and Inquisitors, after the aforementioned proposal was presented, and after the vote of the Most Reverend Consultors of the Holy Office, the same Most Eminent ones considered it appropriate to respond.

To I. The words "etiam tempore interdicti" refer only to the time of the interdict: therefore, the extensive interpretation of the indulgence beyond the time of the interdict is not correct.

To II. The decrees of the Holy Office of Thursday, March 4, 1891, and of Thursday, January 23, 1901 (1), are sufficient.

(1) Cf. Analecta Ord. Praed., vol. V. page 194.

[*Latin ed. p. 573*]

FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION, 575 A, section III. A Plenary Indulgence is granted in the following case. And it is to be requested that the Most Holy [Father] deign to benignly decree and declare that all and each of the Indulgences granted in the Bull *Cruciata* can be applied as a means of suffrage for the souls detained in Purgatory; and this should be stated in explicit terms in the Bull. And for the record: 1.° That copies of the decree issued on Thursday, January 23, 1901, and the decree issued on Thursday, March 4, 1891, relating to the Bull *Cruciata*, are to be sent again to the Most Eminent Cardinal Prefect. 2.° That the Most Eminent [Cardinal] should, at the opportune time, send to this Congregation of the Holy Office an authentic copy of the Bull *Cruciata* according to the new formula to which it will be revised. Subsequently, on Thursday, the 9th day of the same month and year, the Most Holy Pope Leo, by Divine Providence, XIII, in his customary audience, having received a report from the Reverend Father, the Assessor of the Holy Office, and having fully approved of the

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answers of the Most Eminent [Cardinals], and since it was proposed that the Indulgences mentioned under No. III should be applied as a very useful means of suffrage for the departed, he deigned to benignly decree and declare. Contrary to all that may be. JOSEPHUS Can. MANCINI, S.R. and U.I., Notary. CONCERNING THE FACULTY OF GRANTING A DISPENSATION OVER THE IMPEDIMENT OF SPIRITUAL CONSANGUINITY BETWEEN THE BAPTIZER AND THE BAPTIZED. On Friday, December 3, 1902, in the General Congregation of the Roman and Universal Inquisition, the following question was proposed: Whether, in the formulas by which the faculty of granting a dispensation over the impediments of spiritual consanguinity is usually granted, the case of spiritual consanguinity between the baptizer and the baptized is included, which is not foreseen in those same formulas; the Most Eminent and Most Reverend Cardinals Inquisitors General decreed that the answer should be: Negative; that is to say, that those who enjoy the faculty granted by the aforementioned formulas cannot grant a dispensation over the impediment of spiritual consanguinity between the baptizer and the baptized, and this should be communicated to all those in whose interest it may be, and expressly stated in the formulas in the future. If, however, any marriages have been contracted up to this point with such a dispensation granted by virtue of the same formulas, in order to resolve any questions concerning their validity, it should be requested that the Most Holy [Father] deign to declare them to be healed in their root. And on the following Friday, the 5th day of the same month, in his customary audience given to the Reverend Father, the Assessor of the Holy Office, the Most Holy Pope...

[*Latin ed. p. 574*]

574 FROM THE SACRED CONGREGATION OF THE ROMAN AND UNIVERSAL INQUISITION: Our Most Holy Father, Pope Pius XIII, having, by divine providence, received the resolution of the Most Eminent Fathers, and having deigned to approve it, and to grant its sanction with the suffrage of the aforementioned Most Eminent Fathers, notwithstanding any objections to the contrary. IOSEPHUS CAN. MANCINI, S.R. and U., Notary. Concerning the faculty granted in the Ordinary Missions for the erection of confraternities or pious sodalities of the Rosary. In July of the year 1900, from the Sacred Congregation of Propaganda Fide, in agreement with the Sacred Congregation of Indulgences, the following doubts were presented to the Supreme Congregation of the Holy Office: I. Whether, after the Apostolic Constitution *Ubi primum* of October 2, 1898, and the declaration thereof, reported in Augustana on August 10, 1899, the Sacred Congregation of Propaganda Fide can continue to grant, as before, to the Ordinaries of the Missions who are dependent upon it, the faculty of erecting Confraternities or Pious Unions of the Most Holy Rosary, with the respective indulgences granted by the Supreme Pontiffs... And whether

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this is affirmative; II. "Whether to the Ordinaries, who are invested [with this faculty], is it truly necessary, in order to validly use it, a special authorization from the General of the Dominicans?" On Thursday, May 8, 1901, in the General Congregation of the Roman and Universal Inquisition, before the Most Eminent and Reverend Cardinals, Generals Inquisitors, having presented the aforementioned doubts, and having heard the vote of the Most Reverend Consultors, the same Most Eminent and Reverend Fathers were ordered to respond: To I. Negatively; that is to say, it pertains only to the Most Reverend Father General of the Order of Preachers, or his Vicar General, to erect Confraternities, or even Pious Unions of the Most Holy Rosary; therefore, they cannot be validly erected by anyone else, even with only the indulgences granted to Confraternities or Pious Unions in general by the Holy See, or customarily granted. And the formulas are to be corrected. To II. As has been provided in the first [response]. Subsequently, on Friday, the 10th of the same month and year, in the usual audience of His Holiness, Pope Leo, by divine providence, Pope XIII, with the Reverend Prelate, the Most Holy resolution of the Most Eminent and Reverend Fathers was approved. I. CAN. MANCINI, S.R. and U., Notary.

[*Latin ed. p. 575*]

FROM THE SACRED CONGREGATION OF THE ROMAN INQUISITION, 575, Concerning the faculties of the Bull of Indulgence in Spain, relating to the Regular clergy. Without any doubt, matters were brought before the Supreme Congregation of Holy Office by the Most Eminent Cardinal Archbishop of Toledo, General Commissary of the Bull of Indulgence in Spain, concerning the faculties of said Bull, which pertain to the Regular clergy; the Holy Congregation responded by letter as follows: "In a Congregation held on the first day of the week, the fourth of the current month (March 1901), after the doubts posed by Your Eminence, which were presented in letters dated February 28th of the past year, concerning the interpretation of the most recent decree of this Supreme Congregation concerning the Bull of Indulgence, the Cardinals, together with the General Inquisitors, decreed that the following should be promulgated in this manner: Regular clergy of both sexes, with the exception of those who are bound by a special vow, can, by virtue of the Bull of Indulgence, consume meats, eggs, and dairy products during fasts, including Lent, and can also mix eggs and dairy products with fish in the same meal. However, secular Regular priests residing outside the cloister, commonly called "exclaustrated," besides the Bull of Indulgence and the dispensation from meat, are also bound to observe the dispensation from dairy products, just like secular priests. But for Regular clergy residing within the cloister, whether they are priests or laymen or nuns, the Bull of Indulgence and the dispensation from meat are sufficient, unless they are from the Order of the Friars Minor of Saint Francis, who possess no goods, for whom the Bull of Indulgence

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is sufficient. "I earnestly implore Your Eminence to ensure that this decree, confirmed by the authority of the Holy Supreme Pontiff, is made public as soon as possible, and that a copy of this publication be sent to me to be preserved in the archives of the Supreme Congregation. "In the meantime, etc."

[*Latin ed. p. 576*]

FROM THE SACRED CONGREGATION OF THE INDEX, Friday, March 5, 1903. The Sacred Congregation of Eminent and Reverend Cardinals of the Holy Roman Church, by order of the Most Holy Lord Pope Leo XIII and the Holy Apostolic See, which is entrusted with the examination of books of pernicious doctrine, and with their condemnation, prohibition, expurgation, and permission throughout the Christian republic, having met in the Apostolic Palace at Vatican on March 5, 1903, condemned and condemns, prohibits and forbids, and orders that the following works be included in the Index of Prohibited Books:

Ferdinand Buisson. *La religion, la morale et la science: leur conflit dans l'éducation contemporaine.* Paris, Fischbacher, 1901.

Jules Payot. *De la croyance.* Paris, Félix Alean, 1896.

Jules Payot. *Avant d'entrer dans la vie. Aux instituteurs et P. aux institutrices, conseils et directions pratiques.* Paris, Armand Colin, 1901.

Sifflet. *Cours lucide et raisonné de doctrine chrétienne. Les sept mystères chrétiens: Trinité, Péché originel, Incarnation, Rédemption, Eucharistie, Résurrection des corps, Eternité, Souffrance — au regard de la nature, de la raison et de l'irréligion.* Lyon, Librairie St. Augustin et Librairie Delhomme et Briguet.

Therefore, no one, of whatever rank or condition, shall dare to publish, or to read or retain, the aforementioned condemned and prohibited works, in any place or language, under the penalties prescribed in the Index of Prohibited Books.

These matters having been reported to His Holiness Pope Leo XIII by me, the undersigned Secretary, His Holiness approved the Decree and ordered it to be promulgated. In witness whereof, etc.

Given at Rome, on March 30, 1903.

I, ANDREAS, Cardinal Steinhuber, Prefect.

(Seal)

Fr. THOMAS ESSER, Order of Preachers.

From the date above, April 1, 1903, I, the undersigned Secretary, attest that this Decree has been affixed and published in the City.

Henricus Benaglia, Magistrate.

[*Latin ed. p. 577*]

577 ACTS OF THE ROMAN PONTIFF, GRANTED BY A BRIEF FROM

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THE SECRETARIAT, PERMITTING PRIESTS TO ADMINISTER THE APOSTOLIC BENEDICTION TO NUNS AT THE POINT OF DEATH. LEO XIII, POPE. Venerable Brother, Greetings and Apostolic Benediction. Since nothing is more dear to Us than to see the faithful, especially those facing the extreme danger of death, comforted with spiritual graces, We have readily and with good will approved the petitions presented to Us in your name. Therefore, confident in the mercy of Almighty God, and by the authority of Peter and the Apostles, We grant to you, Venerable Brother, permission to delegate all and each of the priests of your diocese of Metz who are well-disposed and duly approved for the administration of the sacraments, to lawfully administer the Apostolic Benediction to nuns at the point of death, so that, whether the regular confessor of the respective monastery is absent, or is hindered by some just and honorable impediment, whenever any nun in the diocese of Metz is found to be at the point of death, whether she be of those who observe the episcopal enclosure, or belongs to Congregations that observe enclosure, or if she is penitent and has received Confession and Holy Communion, or if she is unable to do so, at least if she is contrite, and if she can, invokes the name of Jesus; if not, she devoutly invokes the Heart of Jesus, and has received death as the just recompense for her sins, then, by each of these designated priests, she may receive the Apostolic Benediction with a plenary indulgence attached, as often as necessary, and whenever it is required, and may lawfully receive it, observing and fulfilling the prescribed formula. All contrary decrees to the contrary notwithstanding. Present during these Acts, Volume XXXV, page 417, number 37.

[*Latin ed. p. 578*]

878 FROM YOUR BRIEF from the Secretariate concerning your pontificate in the diocese of Metensi, it shall nevertheless remain valid for more than five years from now. Given in Rome, at St. Peter's, under the seal of the Fisherman, on the twenty-seventh day of November, in the twenty-fifth year of Our Pontificate. For the Lord Cardinal Macchi, N. Marini, Substitute. To the Venerable Brother Willibrord, Bishop of Metensi. BRIEF from TOLOSANA, granting greater indulgences to the pious work called "The Clothing of the Poor." Leo XIII. For the perpetual memory of this matter. Whereas, as has been reported to Us, a pious work called "The Clothing of the Poor" has been canonically erected in the parish church of St. Jerome in the city of Tolosana, and whose members diligently strive to provide clothing for the needy: We, confident in the grace of Almighty God, and by the authority of Our Lord Jesus Christ and the Apostles Peter and Paul, grant that all and each woman who shall enter into said society, if truly penitent and having made confession, and having received the Sacrament of the Eucharist, shall obtain a Plenary Indulgence; and that, for the sisters of said pious work, at the time of their death, if they are truly penitent and

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having made confession, and having received Holy Communion, or, if they have not been able to do so, at least having recited the name of Jesus with contrition, or, if they were unable to do even that, having devoutly invoked the mercy of God, and having accepted death as a means of expiation for their sins, they shall also obtain a Plenary Indulgence; and likewise, now and for the future, to the sisters of said pious work who, having been admitted, have been absolved of their sins through confession and have been cleansed in the heavenly waters [of penance], on the feast days.

[*Latin ed. p. 579*]

From the Secretarial Brief 579 of Saint Joseph, Virgin Mary's Spouse, namely on the nineteenth day of the month of March, and on the ninth day of the month of July, which is the feast of Saint Elizabeth of Portugal, and also on the nineteenth day of November, on which the feast of Queen Elizabeth of Hungary is celebrated, We grant that those who devoutly visit the aforementioned parish church of Saint Jerome from the first vespers until sunset on these days each year, and there offer prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, shall receive a plenary indulgence, and We mercifully grant the remission of all their sins.

Furthermore, to those same sisters who are members of the aforementioned Society, and who, with at least contrite hearts, attend at least one of the four Lenten days that recur each year, and after the communal prayer, join in the blessing with the Most Holy Sacrament in the same church, We remit the number of penances prescribed by the Church in the usual manner for seven years and as many quadragenas; whenever they perform the work of sewing vestments, three hundred days; and whenever, according to the rules of the Society, they perform any work of piety or charity, sixty days.

Finally, We grant to these same sisters the permission to gain this plenary indulgence, except in the case of mortal sin, and also partial indulgences, to atone for the faults and penances of life.

In contradiction to nothing whatever. These present documents are valid forever.

Given in Rome, at Saint Peter's, under the seal of the Fisherman, on the ninth day of February, 1903, in the twenty-fifth year of Our Pontificate.

For the Lord,

CARDINAL NICOLAUS MARINI, Substitute.

[*Latin ed. p. 580*]

580 FROM THE SECRETARY'S OFFICE, A BRIEF DOCUMENT whereby the Archbishop of Turin is granted the faculty of solemnly crowning, in the name and by the authority of the Apostolic See, the Image of the Most Holy Mary, Auxiliatrix. LEO XIII, POPE. TO OUR

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DEAR SON, GREETINGS AND APOSTOLIC BENEDICTION. All those temples which the venerable Father John Bosco, founder of the Salesian Society, established for the greater glory of God and the salvation of souls, are to be commended; but among them, that which he founded with particular care, and which, in the year one thousand eight hundred and eighty-six, he dedicated with solemn rites to the Virgin Mary, Mother of God, and most devoted helper of the Christian name, deserves to be held in the highest esteem. For the image of the Blessed Virgin, which stands there for the veneration of the faithful, is depicted with great artistry among the Apostles, with a scepter in her right hand and the Divine Child Jesus seated sweetly in her left arm, and has become a most wondrous and venerable object of devotion. Furthermore, in honor of the Virgin, a pious society was established by the faithful, which was soon raised to the dignity of an Archconfraternity, and has been enriched with numerous privileges and indulgences; and the cult of this sacred Image of the Mother of God has spread throughout Italy and Europe, and today, by a wondrous design of God, has reached almost all the Christian nations of the world. Indeed, the numerous and outstanding benefits conferred by the Provident Virgin are clearly demonstrated by the votive offerings and the constant stream of pilgrims. Having considered these things, and after Our beloved son, Michael Ruas, a priest and rector of the sacred Salesian family, has humbly presented to Us, in the name of himself and of the entire Salesian family, Our prayers, and in this year in which We happily begin Our twenty-fifth year of pontificate, We desire to adorn this celebrated Image with a diadem, for to Us there is nothing more ancient, nor more pleasing, than the piety of the Christian people towards the Virgin Mother, and We gladly grant this, as it is fitting. Let all and each of those to whom this letter is addressed be absolved from all excommunications and interdicts, and from all other ecclesiastical sentences.

[*Latin ed. p. 581*]

From the Brief Secretary, 581, and regarding any penalties that may be incurred, those absolved by this [document] shall be considered released and free, to you, our beloved son, we entrust these present documents so that you may commemorate, in the temple of our city of Turin, publicly dedicated to the veneration of the faithful, the image of the fruitful Virgin, who holds our Savior, Jesus, in her arms. On the day chosen for this solemnity of the year, in our name and with our authority, a crown shall be preserved and placed upon her sacred and venerable head, and a diadem, worthy of the dignity of the Virgin and the Child Jesus, shall be imposed. Furthermore, so that these solemnities may contribute to the spiritual edification of the Christian people, and so that all, both faithful and penitent, and those confessing their sins, may be strengthened by Communion on the very day of the Coronation, and may receive the blessing imparted

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by you, in our name and with our authority, according to the prescribed rite and formula, and so that, likewise, in the future, on the anniversary of this Coronation, from the first vespers until the very day of this solemnity, the Church and the image may be devoutly visited, and there, for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, pious prayers may be offered to God. We grant, with a full remission and forgiveness of all their sins, even to the souls of the faithful detained in Purgatory, through a suitable suffrage, which they may apply with a contrite heart in the Lord. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the thirteenth day of February, in the year 1903, in the twenty-fifth year of our pontificate. ALOIS. To our beloved son, Augustine, of the Sacred Roman Church, a Priest, Cardinal Richelmy, by apostolic dispensation, Archbishop of Turin. CARD. MACCHI.

[*Latin ed. p. 582*]

582 FROM THE SECRETARY'S OFFICE, a BRIEF by which the Archisodality of the Most Sacred Heart of Jesus is canonically erected in the Church of Saint Joachim in the City, and endowed with special privileges. LEO XIII, Pope. For the perpetual memory of this event. Moved by the prayers of our beloved son, Aloysius Palliola, a priest of the Congregation of the Most Holy Redeemer and Rector of the Church of Saint Joachim in this esteemed city, and with the consent of himself and of the entire religious family of the Fathers of the Most Holy Redeemer, we have decided, through ourselves, to canonically institute, with our Apostolic authority, an Archisodality, under the pious title of the Most Sacred Heart of Jesus, in that temple. And since nothing is more ancient or more pleasing to us than a faithful sodality, which, not unlike this one, professes devotion to the Sacred Heart, and which, with the fervor of its members, seeks to honor Him with the utmost veneration, love, and gratitude, recalling the supreme act of love by which our Redeemer poured forth all the riches of His Heart, so that He might remain with us for all eternity, we have established the Sacrament of the Eucharist in this esteemed city, the center of the Catholic world, and we deem it fitting to grant it due honor. Therefore, all and each of those to whom these our letters are addressed, and who, for whatever reason, may have incurred excommunication, interdict, or any other ecclesiastical censure or penalty, are hereby absolved, and shall be considered absolved, solely for the sake of this matter, and the Archisodality of the Most Sacred Heart of Jesus is hereby canonically erected, with our Apostolic authority, and endowed with the customary privileges pertaining to Archisodalities, in the pontifical church of Saint Joachim in the City. Furthermore, with our authority, we grant to this Archisodality, instituted here in Rome, all and

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each indulgences, both plenary and partial, and other spiritual graces.

[*Latin ed. p. 583*]

From the Brief Secretary, 583: The societies of this title, canonically erected up to this day, enjoy the most ample and repeated concessions and indulgences granted by this Holy Apostolic See. However, in order to perpetuate the memory of the solemn foundation of this Archsodalitas in this illustrious City, and to commemorate the day of its erection, which shall forever be observed as its anniversary, We grant that, from now on and in perpetuity, those members of the aforementioned Archsodalitas who, having confessed their sins and received absolution, or having visited the altar of the Angels or the Archsodalitas's own church, or any other church, on the evenings of the first day of each year, and there devoutly offer prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, shall receive a plenary indulgence for all their sins, and the remission thereof, which they may also apply to the souls of the faithful departed who are united with God in charity. Furthermore, We grant and concede, with Our full Apostolic authority, that this Archsodalitas, with its present and future officials, as well as all other societies of the same name and institution existing throughout the world, may lawfully communicate to their members all and each of the indulgences, remissions of sins, and relaxations of penances granted to this Archsodalitas by the Apostolic See, and that these may be applied as described. We decree that these letters shall be firm and efficacious, and that they shall have their full and complete effect, and that those who are subject to them, or who may be subject to them in the future, shall fully benefit therefrom, and that they shall be judged and defined by all ordinary and delegated judges, and that any nullity or invalidity thereof shall be deemed to be null and void, and that any authority that may attempt to infringe upon these matters, knowingly or unknowingly, shall be held accountable. Notwithstanding any contrary provisions. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the sixteenth day of February, in the year 1903, in the twenty-fifth year of Our pontificate. A. CARD. MACCHI.

[*Latin ed. p. 584*]

584 FROM THE SECRETARY'S OFFICE: APOSTOLIC CONSTITUTION whereby two new dioceses are established on the Cuban island, namely Pinar de Rio and Cinfuegos, and other disciplinary regulations are issued. LEO XIII, Pope. For the future record. Just as the divine Providence has favored the Cuban island, making it a land of great beauty and fertility, as it was first discovered by the immortal Christopher Columbus, so too has the light of Christian truth reached it more quickly. To spread this benefit of God to the people, Leo X, Our Predecessor, did not hesitate to

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elevate the parish church of St. James in Cuba to the honor of a cathedral episcopal see. With the increase in the number of the faithful, this same province was declared a metropolitan see by Pius VII, Pope, on the 24th day of September, in the year 1803, subject to the See of Avranches, which was established by Our Predecessor, Pius VI, of the same name. This constant solicitude of the Roman Pontiffs, and the permission granted to the laws of Spain to protect these happy islands, have brought about such an increase in the Catholic faith among the Cubans and their neighbors, as scarcely could have been expected by peoples confirmed in long-standing humanism and religion. Recently, due to the changed status of the republic by war and also the influence of religion, and because the dominion of the Spanish kings has been removed from the Cuban island, we have clearly understood that it is our duty, for the sake of the times, to advise these regions. Therefore, We sent the Most Reverend Brother Placid Louis Chapelle, Archbishop of New Orleans, there with the office of Our extraordinary Apostolic Delegate, who, after carefully examining the circumstances and determining what was most necessary, would accurately report these matters to Us. Having considered all things carefully, and especially considering the Cuban island among the other peoples of Latin America, with its close ties, mutual relationships, and similarities, therefore, We decreed on the day before the Nones of September in the year 1901, that the Cuban island should be governed by the same laws that were presented at the Plenary Council of Latin America, held in Rome in the year 1899. However, not considering that we had done enough to meet new needs, We turned Our Apostolic solicitude to further plans.

[*Latin ed. p. 585*]

FROM THE SECRETARY'S BRIEF 585, concerning the reorganization of the ecclesiastical region in a more suitable place and time. Therefore, having heard the opinions of several Most Eminent Cardinals, Prefects of the Extraordinary Congregation, who have deemed it opportune in the Lord to promote and defend the faith on the island of Cuba, we pronounce this Constitution with our supreme judgment. And first, having observed that the boundaries of Cuba and Avanensi extend so widely, and that the number of Catholics increases daily due to increased commerce, making it difficult to properly administer both dioceses, we have decided to increase the number of episcopal sees. Therefore, we decree that to the dioceses of Cuba and Avanensi, seats shall be added, drawn from within them, namely PinardeRio and Cienfuegos. The boundaries of the former, to which the entire region of that name will belong, are established as follows: to the north, the Mexican Strait; to the east, the province of Avanensi; to the south, the Caribbean Sea; to the west, the Yucatan Strait. The boundaries of the diocese of Cienfuegos, defined by the limits within which the civil province of Santa Clara is contained, are as follows: to the north, the ancient

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Bakama Strait; to the east, the province of Portus Principis; to the south, the Caribbean Sea; to the west, the province of Matanzas. The seat of the island of Cuba remains the same as before, that is, St. James, to which the dioceses will be subject, or suffragan, in addition to the already established diocese of St. Christopher of Avanensi, and also the new dioceses, one of Cienfuegos and one of PinardeRio. We declare the Puerto Rican diocese, formerly subject to the metropolitan church of St. James of Cuba, to be released from the bond of metropolitan subjection and, for the time being, subject directly to the Apostolic See. It shall, however, enjoy its own rights, privileges, and offices as a metropolitan archdiocese, both those obtained from the common canons and from the apostolic constitutions, and those described in the Plenary Council of Latin America. And in the exercise of all these pastoral functions, and for the sake of mutual charity, let the archbishops and other bishops diligently care for one another, so that there may be unity of mind and a common purpose for the good of all. We also command that the Chapters, or Chapters, of the churches of St. James of Cuba and St. Christopher of Avanensi be maintained, both for the dignity of the sacred cult and for the assistance of the bishops, as prescribed by the sacred canons. And if, due to circumstances, it is not possible to maintain the same number as before, then...

[*Latin ed. p. 586*]

586 FROM THE SECRETARY'S OFFICE, regarding the apportionment of revenues, so that in both colleges, after those constituted in dignity, the canonical tithe may be provided. According to their respective Chapters, whenever it is possible, the newly constituted dioceses of Pinar del Río and Cienfuegos shall be endowed, and we desire that each council consist of at least ten canons. In the meantime, for colleges of this kind which have not yet been canonically established, the bishops shall choose advisors from both the clergy, men who are distinguished above others for piety, doctrine, and ability in the administration of affairs. These men shall assist the bishop in the solemn celebration of the sacred rites. In the conferring of ecclesiastical benefices, whether upon canons or other men of the sacred order, the laws of the Plenary Council of Latin America shall be observed, together with the authentic declarations thereof published by the Most Holy Congregation for Extraordinary Affairs. The canons shall observe these laws, as well as the decrees of the Holy Canons, in the performance of their duties. Furthermore, if those things which were formerly emoluments of money have ceased to exist, or have been greatly diminished, it is fitting that the revenues should be applied to the support of the sacred cult, the needs of the clergy, and other Catholic works of the diocese, in accordance with the norms of the Holy Canons and the prescriptions of the aforementioned Plenary Council; and the cathedral right shall be restored. The amount of money to be assigned for this purpose shall be estimated

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at the next provincial council. We decree that the order of precedence, the rights, privileges, and honors of those who are constituted in this manner, are as follows: these things are indeed most fitting for the governance of the Christian people, and are opportune and, in some respects, necessary for the increase of the divine worship; yet they are, in a certain way, external. It is of the utmost importance that those to whom the faithful care of the flock and the vigilance of the house of God have been entrusted be "thoroughly tested, and so conspicuous for piety and chaste morals, that we may expect from them examples of excellent good works and lessons of life" (1). — Not only piety, but also virtue, is necessary for a man who is to serve in the seminary of the Church; indeed, both sacred and profane learning are necessary, especially in these times, for those who are to be devoted to the most hidden studies of men. Therefore, it is incumbent upon the bishops to take particular care that the priests strive to fulfill the most serious duties, so that the Christian people, surrounded by so many dangers and subjected to so many perils, may be greatly assisted by their works. Furthermore, it is fitting that the priestly order, thus instituted and prepared, should be (1) *Conc. Trid., De Ref., Sess. 25, C. XIV.*

[*Latin ed. p. 587*]

From the Briefs of the Secretariate 587, certain matters are brought to their attention: "Those who, having been admitted to the clerical order, are required for the execution of their office, must possess the necessary doctrine and be of unimpeachable moral integrity" (1); and, furthermore, "Bishops shall judge who are more suitable for the governance of souls, according to their age, morals, doctrine, prudence, and other qualities necessary for the good of the Church" (2).

Moreover, men of the sacred orders, whatever office they may hold, must entirely abstain from civil pursuits, according to the words of the Apostle: "No soldier entangles himself in the affairs of this world" (3); for it would seem that the holy religion, which ought to surpass all human things and to bind the hearts of all citizens with mutual charity and benevolence, is hindered in its office, and its salutary ministry is rendered suspect.

Even with the removal of such distractions, the field for the advancement of the Catholic cause remains open, especially through the example of mutual concord, in which, free from all envy and emulation, priests of every order may "with brotherly love be devoted to one another," and may coalesce into the one body of Christ, as the Apostle says: "For we are members of one body" (4).

To maintain this concord, and no less to foster piety, pastors should take care that, even when the mind may be sometimes drawn away by external matters, those exercises in which it is permissible to devote oneself more fully to the contemplation of divine things are diligently pursued, so that, after set days, members of the Church may be gathered together to consider

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the documents of the most holy religion and the duties of the priestly life. From such discussions, to which will succeed counsel on how to live a more holy life, and from the frequent use of the sacraments, they will be strengthened.

Finally, for the proper observance of sacred discipline, gatherings should be held in which questions concerning morals and sacred ceremonies are discussed. A great and important undertaking is the institution of seminaries for the training of the sacred orders, and almost all hope for this matter rests in seminaries. Therefore, bishops should establish such institutions, and should take diligent care of them, taking care that only those are admitted "whose character and will give hope that they will perpetually serve in ecclesiastical ministries" (5).

(1) Council of Trent, Decree on Reform, Session 24, Canon 12.

(2) Council of Trent, ibid., Canon 18.

(3) 2 Timothy 2:4.

(4) Romans 12:5.

(5) Council of Trent, Session 23, Canon 18, on Reform.

[*Latin ed. p. 588*]

588 From the SECRETARY OF BREVES, many matters have been wisely and opportunely established by the aforementioned plenary council of Latin America. For the spiritual benefit of the entire Cuban island, we earnestly commend the Pio-Latin-American Seminary, in which many and distinguished evangelical preachers and pastors have been educated, in the very heart of the Christian world and under the eyes of the Roman Pontiffs, and from which many future imitators are drawn. Therefore, we desire, as with other dioceses of America, that at least two young men be sent from each part of the Cuban island to this college, without interruption. But they also claim the care of schools for young people and the people, especially at a time when the minds of so many are easily corrupted by so many errors and so many incentives to vice. Let us therefore strive for a future society of this kind, which, from the beginning, will advance and mature, and will be more quickly and almost from the very beginning surrounded by the deceptions of the impious. For it is clear how important it is to open more schools, to watch over those who teach in them, and to observe their fidelity. And let these schools be larger, so that they may form teachers for both sexes. Religious Families, which are present on the Cuban island, having deserved so much from the Church and from civil society itself, we urge them, so that they do not depart from their former praise; that they remain steadfast in their vows; that they do not break the cloister law; that they listen to their superiors; and that, together with the rest of the clergy, they conspire "for the edification of the Body of Christ" (1). These matters, indeed, pertain almost entirely to the ministry, commonly called

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"missions," and a vast field for the preservation, defense, and maintenance of the Christian faith of the people is open here. But, that a more abundant fruit may be obtained, it is necessary to establish religious houses in more frequent places, at least of eight men, whose duty it shall be, in towns and villages, to give public discourses and to teach. That the action of the bishops in the Cuban island may be effective in addressing matters that are commonly encountered, the episcopal gatherings, or Councils, in which the needs of the dioceses are deliberated, are of great benefit. To this belong those things (1) Ad Ephes. IV.

[*Latin ed. p. 589*]

FROM THE SECRETARY'S BRIEF 589, by order of His Most Reverend Eminence, the Cardinal entrusted with public affairs, the following letters were issued on the first of May in the year 1900. With these present letters, we establish and command, and it is certain that, if men of the sacred order shall have diligently striven to exhibit their ministry with dignity, confirming the doctrine by example, truly "being formed into a flock by the will of God" (1). It is necessary that those about to begin [their ministry] conform their lives and morals so that in habit, gait, and in all things, they may resemble nothing but "the sweet fragrance of Christ." Therefore, in order to strengthen ecclesiastical discipline, we command that, as soon as the new diocesan boundaries have been promulgated, institutions and their pastors be assigned to their new locations, so that the Most Reverend Brother Placidus Ludovicus Chapelle, Archbishop of Novae Aureliae, Apostolic Delegate for the Cuban island, to whom we entrust the execution of these letters, shall convene the Provincial Council, and preside over it, sending the acts of that Council to this Apostolic See, according to the canonical prescriptions. The rest holds the best of hopes, and we earnestly desire that the matter may have the outcome we expect, and that these our decrees may bring forth salutary fruit soon. Raised with this expectation, we turn to the Cuban people, earnestly exhorting them to persevere in the faith of their ancestors, to maintain unity in the bond of peace, and, in accordance with their condition, that is, as children of the aforementioned fathers, to be ready to serve their sacred pastors, to obey the precepts of the Gospel, to honor the common good with due respect, "that they may fulfill our joy by having the same love, being of one mind, and having the same affection" (2). Furthermore, these letters and everything contained within them, shall never, at any time, be noted or impugned for any reason of deception or trickery, or any other flaw or defect, but shall always be valid and remain in full force, and shall obtain their effects in all things, and shall be inviolably observed in judgment and outside of it by all, of whatever rank or dignity, without prejudice to any Apostolic, synodal, provincial, or universal decrees, general or special, issued, nor to the ancient regulations of the Cuban island and the missions established there, and any others

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whatsoever.

(1) 1 Peter 5:3.

(2) Philippians 2:2.

[*Latin ed. p. 590*]

590 FROM THE SECRETARY'S OFFICE: Regarding briefs concerning ecclesiastical places, jurisdictions, and privileges, as well as those confirmed by oath, by Apostolic confirmation, or by any other means of strengthening, and setting aside all other contrary matters, even those specifically mentioned; with all of which, notwithstanding what is stated above, we expressly derogate. Furthermore, we declare that anything to the contrary, should it occur in any way, by any authority or pretext, knowingly or unknowingly, is null and void. We also wish that these letters, with their affixed seals and signed by a Notary, and delivered by a man of ecclesiastical dignity, be held to have the same validity as the expression of Our will, present here. Therefore, no one shall be permitted to infringe or violate this page of Our constitution, ordinance, limitation, or derogation, or to act in any way contrary to it. If anyone should presume to attempt this, let him know that he will incur the wrath of the Almighty God and of the Blessed Apostles Peter and Paul. Given in Rome, at Saint Peter's, on the Lord's Day, in the year one thousand nine hundred and ninety-third, on the twentieth day of February, in the fifteenth year of Our Pontificate. L. * S. ALOYSIUS CARD. MACCHI.

PERMISSION to use the privileged altar in Masses celebrated everywhere for the deceased, granted to the Archconfraternity of the Most Holy Mary, Help of Christians of Turin.

LEO XIII, POPE. For the perpetual memory of this matter.

Having, with paternal affection, approved the prayers of Our beloved son, Michael Ruapresbyter, by the mercy of Almighty God and by the authority of the Blessed Apostles Peter and Paul, We grant, by these presents, that the Masses which shall be celebrated in the future at any altar, in any church or public oratory throughout the world, for the benefit of the duly enrolled members of the Archconfraternity of the Most Holy Mary, Help of Christians of Turin, in the Sanctuary –

[*Latin ed. p. 591*]

From the Brief Secretariat 591, concerning canonically erected monasteries, or other sodalities of the same title and institute, established in various lands, the souls, for whose benefit or for which the Masses have been celebrated, shall be suffrageted, and shall be offered at the privileged altar, duly performed. Notwithstanding Our regulations and those of the Apostolic Chancery concerning the granting of Indulgences, and other Constitutions and Apostolic Ordinances, and all other contrary things whatsoever. These present decrees shall be valid perpetually, in the present and future

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times. We wish, however, that those who receive copies or exemplars, even printed, of these Letters, signed by a public Notary and sealed with the seal of a person of ecclesiastical dignity, shall give them the same faith, as if the present Letters themselves were exhibited or shown. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the day of March, 1903, in the twenty-fifth year of Our Pontificate. For the Lord Cardinal MACCHI. L. "S. N. MARINI, Substitute."

[*Latin ed. p. 592*]

ACTS OF THE ROMAN CONGREGATION, from the Sacred Congregation of Bishops and Regulars: Instructions and faculties for the religious congregations in Gallia.

Considering the particular circumstances in which the religious congregations of Gallia currently find themselves, some of the directors of these congregations have appealed to the Apostolic See, requesting opportune instructions and faculties by which their anxieties and the distresses of their members might be alleviated. Wherefore, Our Most Holy Lord Pope Leo, by Divine Providence, XIII, having maturely considered the matter, has commanded, through this Sacred Congregation of Bishops and Regulars, that the following be communicated to the directors of the aforementioned congregations:

1. It is to be diligently ensured, as far as possible, that members of religious congregations who are compelled to leave their own houses, be transferred to another house of the same Institute, and that they strive to observe there the rules or constitutions which they have professed.

2. If some of these members, for just reasons, should be received into other houses of their own Institute, and if the General Superior, with a heavy conscience, deems it necessary, he shall have the faculty, with the consent of the General Council, to grant them permission to reside outside the houses of the Institute, under the obedience of the local Ordinary, with the approval of the Holy See and of the Superior himself, in religious habit, and, as far as necessity permits, in the secular habit for priests, and in a modest lay habit for laymen, retaining, however, some outward sign of the religious habit, and preserving, as far as possible, the essential elements of their vows; provided only that a dispensation be granted over the rules or obligations which are incompatible with that state.

[*Latin ed. p. 593*]

FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS, 593, 3°. These members, as long as circumstances beyond their own Institute require them to remain outside their proper house, shall also be subject to the territorial provincial, if the Institute is located in a province that has already been properly divided; otherwise, to the Superior of the nearest house, who, whenever and however requested, shall report to the

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General Superior, and who, as the need arises, shall retain authority in this matter. Furthermore, the permissions mentioned above are granted only for one year. — Notwithstanding any contrary provisions, even those deserving of special mention. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation of Bishops and Regular Canons, on the 24th of March, 1903. D. CARD. FERRATA, Prefect. L. GIUSTINI, Secretary. Instructions and permissions for one year concerning religious congregations of Sisters in Gallia (France). Having considered the particular circumstances in which the religious congregations of Sisters in Gallia are currently situated, certain ecclesiastical authorities, even with the consent of the Superiors of these same congregations, have appealed to the Apostolic See, requesting appropriate instructions and permissions, so that provision may be made for the anxieties of minds and the distresses of consciences arising therefrom. Wherefore, Our Most Holy Lord Leo, by the Divine Providence, Pope XIII, having carefully considered the matter, has ordered that the following be communicated to the Ordinaries of Gallia and the aforementioned Superiors of the congregations, namely: 1. Care must be taken to ensure that Sisters who are compelled to leave their own houses are transferred to a house of a similar Institute, and that they strive to observe the rules or constitutions which they have professed. 2. If any of these Sisters, after being examined by the Ordinary of the principal house for just causes, can return to other houses of their own Institute, the same Ordinary, with the consent of the Acta, Tom. XXXV. rase. CDXVIII.

[*Latin ed. p. 594*]

594 FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS. The General Superioress may grant them permission, so that they may reside, like their own blood relatives or honest matrons, in a manner befitting their station, while nevertheless retaining internally some sign of the religious habit, with a firm vow of chastity, and observing the essential elements of other vows, as far as is suitably possible, and performing daily some works of piety prescribed by the Ordinary himself, they shall reside under the obedience of the Ordinary of the place, for a determined period. [But these permissions may also lawfully remain in force by the decision of the General Superioress herself.] 3. However, if the Sisters are compelled to reside outside the house of their own Institute for reasons beyond their control, they shall also be subject to the Provincial Superior of the place of residence, if the Institute is already properly divided into Provinces; otherwise, to the Superioress of the nearest house, who shall report to the General Superioress annually, or whenever requested, and shall contain them within the bounds of their office, as far as necessary. Furthermore, the permissions mentioned above are granted only for one year. All contrary provisions, even those worthy of special mention, are of no effect. Given in Rome, from the Secretariat of the Sacred Congregation

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of Bishops and Regular Canons, on the 24th of March, 1903. D. CARD. FERRATA, Prefect. * S. PHIL. GIUSTINI, Secretary.

[*Latin ed. p. 595*]

595 FROM THE HOLY CONGREGATION OF THE COUNCIL, concerning a doubt regarding the profession of faith to be made. Reverend Father, as your brother: After considering the report you presented, in which you described the state of this diocese concerning the profession of faith to be made by the parish priests, the Most Holy Fathers have decided to respond as follows: Give the response as stated in the following reason. On the Visitation of the Holy Threshold, on May 11, 1782, regarding the doubt which is as follows: "Do those who receive a benefice with the care of souls, dignities, and canonries in metropolitan or cathedral churches, fulfill the precept of the Council of Trent, session 24, chapter 12, concerning the profession of faith, if they make the profession of faith after accepting the institution or collation, but before they are admitted to the possession, etc.? Response: Affirmative." And this has been brought to your attention, as I now execute through these present documents. In the meantime, with due obedience, I remain, A. T. Rome, April 23, 1902. A. CARD. DI PIETRO, Prefect. B. CAVICCHIONI, ARCH. NAZIANZEN., Secretary. To the Reverend Bishop of Zamora. On March 28, 1903, in the Apostolic Palace at the Vatican, the Holy Congregation of the Council was held, in which, among other things, the following doubts were proposed, according to the custom of the same Holy Congregation for legal discussion; and which were resolved as follows. BY A SUMMARY OF PRAYERS. I. OSNABRÜCK. - DOUBTS CONCERNING THE PERCEPTION OF THE FRUITS OF PREBENDS. R. The Canon Cosse is to be promoted; regarding the choral service, the capitular constitutions are to be observed.

[*Latin ed. p. 596*]

596 FROM THE HOLY GENERAL COUNCIL OF BRESIAN. - REGULATION. The decree of the Bishop shall be maintained; provided that the transfer of chaplains is made for a limited time and due to the necessity of the Church; Vicars, however, are to be appointed by the Rector, and approved by the Bishop, and the consent of the chaplains as coadjutors is necessary; in all other matters, the ordinances of the Bishop, approved by the Holy See in 1877, are to be observed. ON PAGE I. BURDIGALEN. REGULATION. In decisions. NULLITY II. MECHLINIEN. REGULATION. In decisions. NULLITY OF MARRIAGE. MARRIAGE. III. AQUEN. IN GALLUS. - DISPENSATION (in secret). REGULATION. Affirmative. MARRIAGE. I V . PARISIAN. - DISPENSATION. REGULATION. Affirmative. (in secret). V. ANDRIEN. REGULATION. Deferred. REGULATION, MARRIAGE, (reserved). VI. SYRAOUSANA. - DIVISION OF THE PARISH. REGULATION. It is to be decreed to be confirmed and

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according to the intention. VII. NULLIUS S. LUCIAE. - REGULATION CONCERNING THE GRANTING OF ORDERS, OR THE GIVING OF DISPENSATIONS. REGULATION. 1. Negative. 2. Affirmative, by the special favor of the present Prelate, having given his word to the Most Holy.

[*Latin ed. p. 597*]

597 BURDIGALEN. IN FOLIO No. I. BURDIGALEN. OF THE NULLITY OF MARRIAGE (1) On March 28, 1903. Session 24, chapter 1, Concerning the validity of marriages. This cause concerning the marriage, which Mauritius N contracted with Iosepha N seventeen years ago, was proposed for the first time in the general congregations on June 22, 1895, under the formula for deliberation: "Whether the judgment of the Tribunal of Burdigalen should be confirmed or annulled in this case"; and the response was: "The judgment should be confirmed." Mauritius did not agree with this response, and he requested and obtained the benefit of a new hearing. Therefore, the cause was again discussed on April 7, 1900, under the doubt: "Whether one should adhere to or depart from the previous decisions," and the response was: "From what has been presented, it does not appear that the previous decisions should be maintained" concerning the nullity of the marriage. And when the same question was again proposed in the general congregations on April 27, 1901, under the same doubt, the Congregation of the Holy Council judged that the response should be: "In the previous decisions." Finally, on December 20, 1902, the same cause was again proposed with new documents, which, having been considered, the Holy Congregation judged that the response to the doubt: "Whether one should adhere to or depart from the previous decisions in this case," should be: "Considering the newly presented evidence, one should depart from the previous decisions, and the judgment of the Tribunal of Burdigalen should be annulled." Regarding the proceedings, according to the Constitution "Dei Miseratione," which does not permit a judgment to be demanded for execution unless two (1) Cf. Acta Sanctae Sedis Vol. XXVIII, page 353; Vol. XXXII, page 727, and Vol. XXXV, page 321.

[*Latin ed. p. 598*]

398 Having obtained opinions from the Sacred Congregation, which were in conformity with the matter, the case again came before the Holy Sacred Congregation for the same matter to be discussed. The defender, after an appeal had been interposed, having presented a suitable instruction, requested that the Court of Bordeaux, after conducting appropriate investigations in the archives of the tribunal of De Blaye, inform the Sacred Congregation regarding the authenticity of all the aforementioned documents. The Court of Bordeaux, diligently and faithfully obeying the mandates, through recently presented documents,

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fully testified to the authenticity of the letters of Joseph to Mauritius. With these new acts duly completed, the accuser declared that there was nothing further to be presented. Therefore, the question arises: Should we adhere to or depart from the decisions in this case? R. In the decisions. No. VII. NULLIUS. CONCERNING THE ORDINATION OR THE GRANTING OF DISPENSATIONS TO SAINT LUCY. March 28, 1903. Session 23, chapter 10, De Ref. Compendium of the facts. It is said that the city of Saint Lucy was established as early as the year 1206, as a monastery belonging to no diocese, and as a royal chapel by the authority of the Emperor Frederick II, through a legate appointed by him, a right which the Kings of Sicily claimed for themselves, due to its fame and...

[*Latin ed. p. 599*]

NULLIUS S. LUCIAE 599, concerning the disputed Royal Prefecture or Kingdom of Sicily. Hence, the Abbey was held to be truly of no diocese, being distinct from the neighboring dioceses, namely Lipari, Patti, and Messina. Indeed, it is said that the Abbot possessed the right to confer the Sacred Orders, if he himself were a bishop; or, alternatively, to grant dispensations to any bishop. These rights of the Abbot were vindicated and solemnly recognized, among other things, by a royal decree of June 4, 1819. But from such a practice of granting dispensations, grave abuses arose, since, on the one hand, the clergy in the Abbey had grown too numerous, and, on the other hand, the clerics in the sacred ministrations, due to the lack of a seminary, were deficient in both knowledge and priestly virtues. Therefore, the neighboring bishops, considering the matter to be intolerable, brought a complaint to the Holy See, also relying on this reason, namely, that, considering all things, the Abbot of S. Lucia is in no way entitled to grant dispensations.

A Synopsis of the Dispute.

DEFENSE OF THE ABBOT OF S. LUCIA.

Here, questioned as to how he would defend his rights, he defended himself through his appointed procurator. First, the Abbot's advocate recalled the Tridentine law, Session 23, chapter 10, De ref., which decrees: "To Abbots, and to others, whatever their status, it is not permitted, while residing within the boundaries of any diocese, even if they are said to be of no diocese, or exempt, to confer tonsure, or lesser Orders, upon anyone who is not subject to them as a regular canon: nor may these Abbots, and others exempt, or colleges, or chapters, even of cathedral churches, grant letters of dispensation to any secular clerics, so that they may be ordained by others: but the ordination of all these, with all due observance, belongs

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to the bishops, within whose dioceses..."

[*Latin ed. p. 600*]

600 FROM S, G. CONCILII Fismes are situated: notwithstanding any privileges, prescriptions, or customs, even those of long standing. Therefore, the advocate argues that this law does not apply to the Abbey of Saint Lucy, since it is not located within the boundaries of any diocese, but outside the boundaries of any diocese, and is therefore truly of no diocese. Furthermore, the same advocate observes that the Abbot of Saint Lucy has, at least, a very ancient custom, which would only benefit abbeys located within the boundaries of a diocese, because for seven centuries, up to our time, the Abbot of Saint Lucy has issued letters of dispensation. He adds that this Abbot has always enjoyed the privilege of ordaining his own clergy, even in the sacred orders, should the episcopal order fail, or of granting letters of dispensation for any bishop. He endeavors to prove this from the privileges that were originally granted to the Major Chaplains of the Kings of Sicily by Sixtus V, Innocent VIII, Alexander VI, Julius II, and Leo X, and then confirmed for the Kingdom of Naples and Sicily by Benedict XIV in the Constitution of July, 1741, "Convenit," and in the subsequent Motu proprio, "Cum alias," of November of the same year. In these papal acts, it is stated that the Major Chaplain can ordain his own clergy and, if he is not a bishop or is legitimately hindered, can grant letters of dispensation to "any bishop." Indeed, the advocate argues that the Kings of Sicily, as Legates of the Holy See, without any confirmation from the Holy See, enacted ecclesiastical laws: "The Princes of Sicily," writes Balsamo (Inst. Iuris, lib. 1, tom. 2), "since they enjoy the privilege of Apostolic Legation, can enact laws in the province of their legation concerning clergy and churches, and can judge ecclesiastical causes: they can also punish, excommunicate, and perform other acts that belong to the jurisdiction of legates." Relying on this authority, Emperor Frederick II, having chosen the city of Saint Lucy as his seat, removed it from the dioceses of Li-

[*Latin ed. p. 601*]

NULLIUS. Saint Lucy 601 completely separated the lands of Patti and Pactensi, and established a true nullius Abbey and a Royal Chapelry. Even Charles I of Anjou, when he gained power over the Kingdom of Sicily, as a legate, confirmed the independence of the Royal Chapelry of Saint Lucy. Moreover, the Prince, acting as a legate, judged the case brought by the Archbishop of Messina against the privileges exercised by the Abbot of Saint Lucy, and in 1676, rendered a judgment in favor of the Abbot himself. It cannot be said, argues the Abbot's advocate, that the Benedictine Constitution applies only to the Major Chapelry of Naples, because of the conflicts that arose between the Major Chapelry and the Archbishop of Naples. Indeed, Benedict XIV did not grant new rights to the Major Chapels, but only

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preserved those that had already been granted by his predecessors to the Major Chapels of the Kingdoms of Spain, Sicily, and Naples. Therefore, concludes Rocco Birri, having described the privileges and rights of the Abbot of Saint Lucy, he states that it is subject to the same privileges as the Major Chapels of Spain and Naples, saying: "Therefore, it is clear from this series what are the proper duties of the Major Chapelry, namely all those with which the Major Chapels enjoy in Spain and Naples, etc." Furthermore, argues the Abbot's advocate, the other objection, namely that the Royal Chapels of Caserta and Portici obtained this privilege through a special pontifical grant, does not hold greater weight. For, besides the fact that these chapels did not exist until the time of Charles II of Anjou, when the Major Chapels of Naples began, it is undoubtedly the case that they were merely minor chapels. Therefore, if they obtained this, a fortiori, the Major Chapelry possessed it. Nor could they bring forward any ancient privilege, confirmed by custom for more than a secular and certain period, as the Abbot of Saint Lucy can. The Major Chapelry of Saint Lucy was established by the Kings of Swabia as legates, and on June 4, 1818, its privileges were confirmed. In this Royal Decree, which was appropriate and immediate...

[*Latin ed. p. 602*]

602 From the legal interpretation of the Holy Council, concerning the Concordat initiated and promulgated on March 21, 1818, between Pope Pius VII and King Ferdinand I of the Two Sicilies, it is read: "Article 1. All articles of the Concordat shall be diligently and religiously observed and executed, word for word, throughout our Kingdom of Sicily from the day of the promulgation of this law—". "Article 76. The jurisdiction of the Major Chaplain's Court shall be limited to the boundaries of the Constitution of Benedict XIV, 'Convenit,' and the subsequent Motu Proprio of the same Pope on the same subject." Furthermore, in articles 31 and 32, it is stipulated that "the provisions of the Concordat shall replace all laws, ordinances, and decrees promulgated in the Kingdom of Sicily concerning religious matters, and shall be observed in all churches of that Kingdom." Indeed, the advocate states that in the records, nineteen testimonies are presented, given either by the Archbishop of Messina, or by the Bishop of Lipari, or by the Bishop of Patti, concerning the granting of orders, based on dismissal letters issued by the Abbess of Santa Lucia; the last testimony dates back to the year 1872. In addition to these, the Abbess of Santa Lucia obtained other privileges, such as the right to visit the diocese, to hold a diocesan synod, and to grant dispensations regarding impediments: privileges which were certainly not separate from the right to issue dismissal letters. Finally, since the Apostolic Constitution "Suprema" of Pius IX from the year 1864 is raised as an objection, as if this abolished all such privileges, the advocate responds that this cannot be proven in any way; furthermore, the privileges of the Abbess of Santa Lucia cannot be said to have been abolished, just as

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the privileges of the Abbess of Monticassino, of the Most Holy Trinity of Caven, of Saint Martin of Cimino, etc., were not abolished. Furthermore, the letters "Multis gravissimis" of the same Pope are raised as an objection; but the advocate replies that "in these letters, only the Archbishop of Messina is stated to have the power, as an Apostolic delegate, to render judgment in the seat of appeal in cases brought before him."

[*Latin ed. p. 603*]

TO NO ONE: Lucy 605. To the Abbot of Lucy, it is stated, "who (these are the very words of the letter) exercises jurisdiction, as if of a bishop, in one or several towns or places within no diocese of the province of Messina; and with these premises, we do not intend to grant to the aforementioned Abbot of Lucy any new rights." Therefore, the advocate argues, nothing new was granted by these letters, nor was any right, previously sought, taken away. Finally, in conclusion, the advocate humbly requests the Most Blessed Father to grant a favorable privilege. Indeed, if, from what has been said, the ancient possession of the privilege does not seem sufficiently proven, he declares that he desires that all doubts be removed today by a new grant of a privilege. This is all the more so because the new Administrator-Bishop of this Abbey, by reason of his personal merits, deserves every consideration and favor, since he adds to his noble birth and census a most outstanding piety and learning. Furthermore, the advocate reports that today, the nomination and institution of the Abbot are solely dependent on the Holy See.

OPPOSING DEFENSE. The Archbishop of Messina, whose opinion is sought, maintains that the Abbot of Lucy enjoys no privilege of ordaining or granting dispensations. For, the Archbishop testifies, it is known and evident to all the damage with which Sicily was most grievously afflicted by the Apostolic Legation; from which also arose contempt for the authority of the Bishops, with the greatest detriment to their rights, as well as the most serious ruin of souls. By virtue of this Apostolic Legation, so-called Major Chaplains were established, to whom territories were gradually assigned, with the faculty of exercising jurisdiction exempt from Episcopal authority, not only in the Royal Family, but also in all those residing there, whether priests or candidates for ordination. The Holy Trident Council, having observed the most grievous consequences of ordinations conferred by prelates exempt from authority, and

[*Latin ed. p. 604*]

604 By the aforementioned decree of the Holy General Council, it was commanded that they ordain their clerics through Bishops within whose territory the Prelature is located, "notwithstanding any privileges, prescriptions, or customs, even those of long standing." Furthermore, the Prelate of Saint Lucy does not seem to be upon able to derive any argument in favor of the asserted privilege from the Constitution "Convenit" of Benedict XIV,

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dated July 6, 1741, and the subsequent Motu proprio "Cum alias" of the same year. For these provisions, obtained from Charles III, were intended to put an end to all disputes and discord arising from the abuses of the Major Chaplains, as well as to restrain their freedom, and they applied only to the Royal Chapel of Naples, so that the chapels of the places of Portici and Caserta could not enjoy them without a special concession from the Holy See through a Rescript of the Secretariat of Memorials, dated January 5, 1754. Therefore, in the Terracina Concordat, dated February 16, 1818, the matter of the Major Chaplain's Curia and its jurisdiction is treated in a special manner, with the aim of maintaining it within the limits of Benedict XIV's Constitution and Motu proprio. Moreover, the Archbishop continues, in order to reintegrate the Abbot of Saint Lucy, it was necessary to issue another Royal Decree, dated June 4, 1818, that is, almost four months after the Concordat itself. But meanwhile, as had been the case for the aforementioned churches of Naples, no request was made to the Supreme Pontiff for the extension of privileges existing there; therefore, if the Prelate exercised this [power], he acted unjustly, because the faculty was granted only by the Decree itself, contrary to the prescriptions of Trent. Furthermore, the Archbishop insists, the Prelate cannot effectively prove the privilege by the fact of possession of the supposed right: "Such possession," as Schmalzgrueber states in Volume III, title XIII, § 1, De poss., "is acquired through the use of a right of this kind, with the knowledge and willingness of the person to whom the thing belongs to resist the act." Indeed, from the documents produced by the Vicariate Chapter, from the year 1652 to the year 1847, only four cases of ordinations are found with dismissal letters from the Prelate of Saint Lucy, among which only one, that is, a certain acolyte named Lucy.

[*Latin ed. p. 605*]

The community of S. LUCIAE was not formally established until 1847, when the Archbishop of Messanensis ordained it. At that time, a Tribunal existed there, established by civil authority at the end of the preceding century, and which was independent of the Tribunal of the Kingdom of Sicily. Therefore, the Archbishop should have feared serious consequences if, at that time, he had not tolerated the community's autonomy and had opposed the Royal Decree of June 4, 1818. However, even then, there may have been doubts regarding the rights, more or less legitimately acquired, by the Major Chaplain of the Kingdom, and regarding the existence or non-existence of a legal claim against Tridentinum that was still in force. Today, it appears that no such doubts remain for the same Archbishop, after the Apostolic Letter "Suprema" of January 28, 1864. In that letter, the Supreme Pontiff Pius IX, referring to the Kingdom, which was the origin of the aforementioned concession, seems to declare without doubt that such concessions – even if made by the Holy See for legitimate reasons – must be entirely abolished and revoked due to changed circumstances, and because,

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as experience shows, they have always been the source of serious harm, as well as corruption and abuses, which are most harmful to the salvation of souls. Therefore, the Pope concludes, in the name of the Apostolic Ministry, that such evils and corruptions cannot be tolerated in the future, nor can it be permitted that, under the pretext of the privileges of the Kingdom, the dignity of the ecclesiastical Order be weakened and extinguished. And in another Apostolic Letter, "Multis gravissimis," of the same period, when appointing the Archbishop of Messanensis as an Apostolic Delegate in cases of appeal from the sentences issued by the Abbot of S. Luciae, "who exercises a jurisdiction almost episcopal, in one or more towns or places within the Province of the Diocese of Messanensis," he adds, "However, with the foregoing, we do not intend to grant anything new in law to the aforementioned Abbot of S. Luciae." Finally, this Prefecture was subjected to Apostolic Administration, which for many years was administered by an immediate predecessor.

[*Latin ed. p. 606*]

606 From the decrees of the Council and subsequently for some time, it was exercised by the actual Archbishop of Messina. Therefore, it appears that the privilege, to which the Vicar of St. Lucy refers, even if it had been certain and beyond dispute under the previous legitimate governance, no longer exists due to changed circumstances and due to the resolutions of Pius IX, by which the Supreme Pontiff sought to remove the most serious evils that were actually afflicting the faithful of Sicily, and also to provide for the salvation of souls and the jurisdiction of Bishops, according to the Sacred Canons and especially the Council of Trent.

OBSERVATIONS FROM THE OFFICE. Because the celebrated canon of Trent, already mentioned, Session 23, chapter 10, seems peremptory to the request of the Abbot of St. Lucy, if it is proven that this canon also includes Abbots who are truly exempt, or who have a territory separate from any diocese; therefore, the procurator of the Abbot denies that the law of Trent can be extended to truly exempt Abbots.

This reasoning of the Council indeed presents some difficulty: "...nor should the Abbots themselves, and others who are exempt, or colleges or chapters of any kind, even of cathedrals, grant letters of dismissal to secular clerics, so that they may be ordained by others, but the ordination of all these, with due observance, pertains to the Bishops, within whose dioceses they exist." Indeed, such words of the Council required an authentic interpretation, which was not omitted by His Holiness.

As Benedict XIV recounts in *De Syn.*, book II, chapter 11, paragraph 15: "But no one has ever been able to bring into question that the censure of this decree includes Abbots and other lower prelates of the first and second orders; but many prelates of the third order considered themselves immune from such severity, relying on this reasoning, namely, that their territory,

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in which they exercise jurisdiction as bishops, does not exist within the boundaries of any diocese, of which Trent seems to speak, but is separate from..."

[*Latin ed. p. 607*]

"No monastery of St. Lucia is entirely separated and distinct from any diocese; and therefore, even if they refrained from granting dispensations (i.e., to those of lesser orders) themselves, they considered themselves free to grant dismissal letters to their secular subjects who wished to enter the orders. However, the opinion of the Holy Congregation interpreting the Council of Trent was different, and it is this Congregation alone that reveals the true meaning of such decrees; indeed, after carefully considering the beginning of the cited canon, it determined that the passage concerned not only abbots who are exempt in any way, but also those who are said to be not under any diocese, such as those who have a separate territory; and it declared that these latter are also included, and that the power to grant dismissal letters to their secular subjects for entrance into the orders should be taken away from them, and therefore, that such letters should only be granted to the nearest bishop. Such responses of the Holy Congregation are found in the writings of Fagnano and Cardinal Peter, etc."

"It is, however, worthwhile to mention this decision of the Holy Congregation, which is reported by Benedict XIV, in the work cited, 'The dispute arose in the Roman Rota before the Bishop of Brixen and the Chapter of the Basilica of St. Peter in Rome, regarding the question of whether the Abbey of St. Rufillus, located in the fortress of Foro Pompiili, which was perpetually united to that Chapter, had a completely separate territory from the diocese of Brixen. Meanwhile, the Chapter of St. Peter, clinging to the unforgettable custom or quasi-possession of granting dismissal letters to those residing within the limits of its Abbey, in order not to have this possession disturbed, hesitated not to grant such letters, even while the controversy over the Abbey's separation was still pending; but the Bishop of Brixen opposed this, and justly contended, and the unforgettable possession, as it was violated by the Council of Trent and lacked force, did not prevail; and so, even if the Chapter were to prove that the territory was separate, at its insistence, on December 3, 1718, the matter was debated in the Holy Congregation: 'Whether, even if it were established that the territory was separate, the Chapter of St. Peter could grant dismissal letters; and on January 21, 1719, by unanimous vote of all, the response was: Negative.'"

[*Latin ed. p. 608*]

608 FROM THE HOLY GENERAL COUNCIL: Nevertheless, there are still Abbots who truly possess this particular prerogative, namely, the ability to grant letters of dispensation to their subjects for the reception of Orders, not only of lesser Orders but also of the sacred Orders; but this

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prerogative is not attached to the quality of being "nullius" [diocese belonging to no bishop], nor does it flow from a perfectly separated territory, but is derived solely from a special privilege obtained after the Council of Trent, by which the Apostolic See has conferred this privilege upon certain Abbots. The Abbot of Monte Cassino was granted this privilege by Sixtus V, and the Abbot of Cava de' Tirreni by Paul V. Furthermore, it is helpful to cite what Cardinal Petra notes in *Commentaria* on Constitution IV of Callistus III, section II, number 72, volume V, pages 118-119. For, as certain decisions have been issued by the Holy Rota and declarations by the Sacred Congregation for the Eastern Churches and the Religious, asserting that Prelates truly belonging to "nullius" are not included in the cited decree of the Council of Trent, as can be seen in Honorante's *Practices of the Secretariat of the aforementioned Tribunal*, chapter XII, note XVI, Cardinal Petra, in the work cited, states: "It has always been the opinion of the Sacred Congregation that the prohibition should apply to all inferior Prelates without distinction, so that if they are in the diocese of a certain bishop, the collation of Orders and the granting of letters of dispensation pertain to the bishop of that diocese; but if they are in the diocese of a 'nullius,' it pertains to the nearest bishop, because the intention of the Council is that this faculty should be taken away from the inferior Prelates and reserved only to bishops, as if it depended on the episcopal order, of whose acts the inferior Prelates are incapable. Therefore, the aforementioned Sacred Congregation has declared since the year 1602, in volume V, page 66, that the faculty of ordaining pertains to the bishop within whose diocese the abbey is located; and if it is located within the territory of a 'nullius,' it pertains to the nearest bishop; but the proximity to be considered is that of the Church Cathedral, not of territory." Many other decisions of the Holy Sacred Congregation, referring to the same matter and giving a certain interpretation of the cited canon of the Council of Trent, have been collected by Cardinal Petra; but these are omitted for the sake of brevity.

[*Latin ed. p. 609*]

It is, however, advisable to note that a papal privilege, sufficiently expressed after the Council of Trent, cannot be adduced, by virtue of which it is permissible for the Abbot of St. Lucy to either confer orders or grant dispensations. The origin of this privilege, which is repeated by the authority of the King of Sicily as a legate from the side of the Holy Father, and this in virtue of the Legation or Monarchy of Sicily, has a weak foundation. Indeed, since countless and very serious abuses have been committed under the pretext of exercising this power, which the Kings of Sicily have claimed from the time of Roger I until our own age, the Popes of Rome have never ceased to condemn this usurped power, as learned men in ecclesiastical public law teach. It is fitting here to mention the legal conclusion, which Cardinal Cavagnis, in his learned explanation of this question, presents

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in *Institutiones iuris publici ecclesiastici*, Book III, n. 104 (in the third edition), with these words: "From these things, it may be concluded: I. The Legation of Sicily does not historically exist. II. Even if it did historically exist, it would have been a personal privilege granted to Roger I and his sons, and therefore would have ceased with Roger II. III. The true origin was in the desire of the Royalists to give a legitimate title to the ancient abuses of William I, which they wished to renew and expand in the 16th century." Regarding the Constitutions, published by Pius IX to eliminate such abuses, the same author, n. 102, states: "In the year 1864, on the 5th of January, the Constitution 'Suprema' was drafted, in which, considering the continuation of abuses, all privileges and concessions were revoked; but it was only published on October 10, 1867. On January 28, 1864, the Brief 'Multis gravissimis' was issued, in which a new procedure was established in ecclesiastical causes for Sicily, abolishing the delegated judge and granting many concessions to the Bishops." Finally, because the Abbot of St. Lucy boasts of attributing to himself the title of Royal Chaplain and the consequent immunities from common law, and in the first place, exemption from the jurisdiction of the Bishops, outside whose dioceses he seems to exist in every way, it is necessary to note, as Bouix teaches in *De Actis*, Vol. XXXV, page CDXVI1I, n. 39.

[*Latin ed. p. 610*]

610 From S. C. CONCILII, Volume I, page 519 and following, citing numerous authorities, the author states that Royal Chaplains, at times, due to a special prerogative, are considered as true prelates who belong to no diocese, and to them are applied those things which, by common law, are established for true prelates who belong to no diocese. This concerns questions of law; as for the matter of grace, the entire situation rests on the benevolence and prudence of the Most Eminent and Reverend Fathers. Therefore: Question I. Does it pertain to the law to grant orders or to grant dispensations in the case of the Abbot of Saint Lucy? And to this, a negative answer. II. Is there room for the granting of such a privilege in this case? Resolution. The Sacred Congregation of the Council, after mature deliberation, on March 28th, decided to respond as follows: To I. Negatively. To II. Affirmatively, through a special grace granted by the present Prelate, having agreed with the Most Holy College. I. By the law of the Decretals, Abbots could at least confer the first tonsure and minor orders, and could also grant dispensations, not only to their regular subjects, but also to secular individuals. II. However, the Council of Trent, Session 2, Chapter 3, Canon 10, limited the privilege of Abbots with these words: "To Abbots... it is not permitted, within the boundaries of any diocese, even if they claim to be of no diocese, or exempt, to confer the tonsure or minor orders upon anyone who is not a subject of their own order; nor may the Abbots grant

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letters of..."

[*Latin ed. p. 611*]

I. To no Saint Lucy has it been granted to grant to certain secular clergy, so that they may be ordained by others. II. Since some have doubted whether this decree included also Abbots who are truly of no diocese, or who possess territory outside the boundaries of any diocese, the Sacred Congregation of Councils has declared on several occasions that these are also included. III. Therefore, all Abbots, even those who are truly of no diocese, are not able to confer the tonsure and lesser orders, nor to grant letters of dispensation to secular clergy so that they may be ordained by other bishops, with the exception made, as above, for those under religious rule. IV. However, to some Abbots, after the Council of Trent, the Holy See granted the privilege of conferring lesser orders and of giving letters of dispensation. V. But since it does not appear from the records that the Abbot of Saint Lucy enjoys this privilege, and indeed, because the Apostolic Legation or Monarchy of Sicily never legally existed, the Sacred Congregation responded negatively to the proposed question: "Does it appear by law that the Abbot of Saint Lucy may confer orders or grant dispensations in this case?" VI. To the second question, "Is there a basis for granting such a privilege in this case?" the Sacred Congregation responded: "Affirmatively, due to the special favor of the present Prelate, having given his word to the Most Holy Innocents." Indeed, the Sacred Congregation gave a favorable judgment, so that the Roman Pontiff may grant to the present Prelate the privilege of conferring orders and granting dispensations; this privilege, being personal, will cease immediately when the present Prelate leaves the Abbey.

[*Latin ed. p. 612*]

612 FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH: DOUBTS concerning the faculty of alienating ecclesiastical goods for religious institutes of simple vows. To His Most Reverend Lordship, Archbishop Frederick Katzer. Letters arrived from Your Eminence, dated December 14th, in which questions are raised concerning the faculty of alienating ecclesiastical goods for religious institutes of simple vows. Regarding the first question, whether these institutes, whether of men or women, approved by the Holy See or only by the diocese, require the approval of the Apostolic See for the alienation of their goods, the answer is affirmative. However, concerning the second question, whether Bishops, by virtue of privileges granted to them concerning the alienation of diocesan goods, can permit these alienations to the aforementioned congregations, the answer is: that Bishops can do so within the limits of their authority. Finally, concerning the requested dispensation for alienations, if a necessary license has been

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lawfully obtained, the Sacred Congregation grants this dispensation and, if possible, also absolution from censures to those who have transgressed. In the meantime, I pray that God may long preserve you. Your Most Reverend Eminence's most devoted and obedient servant, Father H.M. Cardinal Gotti, Prefect. Aloysius Vecchia, Secretary. January 15, 1903. DOUBT concerning the celebration of Mass on ships. To His Most Reverend Lordship, Concerning the decree of this Sacred Congregation of the preceding Tuesday (1), it is understood that the caution regarding the celebration of Mass on ships only applies to those abuses which would occur if the most august Sacrifice of Mass were offered in private cells intended for the use of travelers, and dedicated to the purposes of life. However, it does not absolutely prohibit the celebration of Mass on ships. (1) This decree referred to was found in Vol. XXXV, p. 48.

[*Latin ed. p. 613*]

FROM THE SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 613: It is forbidden to grant dispensations, when all things are removed, lest dangers to reverence arise. Therefore, adhering firmly to the prescriptions of the aforementioned decree, Your Eminence, may it please You to understand this sincerely, and to quiet the missionaries, who are disturbed without cause. And I pray to God that He may preserve and protect You for a long time. Your Eminence's most devoted servant, Pro-Emo CARD. Aloysius Vecchia, Secretary.

To the Most Reverend Father, John B. Cazet, Vicar Apostolic of Madagascar.

INDULT granted for the United States, to transfer the titular feast day within the coming week to the following Sunday.

Most Blessed Father, James Cardinal Gibbons, Archbishop of Baltimore, and other Archbishops of the United States of North America, gathered together in their annual meeting, humbly implore Your Holiness to deign to grant an Indult, by virtue of which, in all the aforementioned states, in churches or in cities or outside of them, the titular feast day, when it falls on a weekday, may be transferred to the nearest Sunday, as has been granted there for rural churches and villages.

From an audience held on February 3, 1903, His Holiness, Pope Leo XIII, Divine Providence, through the undersigned Secretary of the Sacred Congregation for the Propagation of the Faith, considering the special circumstances of the places, has graciously granted that, in particular churches, for which the titular feast day falls on a weekday, the obligation of celebrating Mass and performing the office for the same feast day, on the day fixed in the calendar, may be transferred to the following Sunday, provided that it does not coincide with a feast of double rite of the first class, or a Sunday, according to the rubrics, with privilege. All contrary provisions notwithstanding.

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Given in Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on February 3rd, in the year 1903.

Aloysius Vecchia, Secretary.

[*Latin ed. p. 614*]

614 FROM THE THIRD SESSION — ATREBATEN. A DOUBT concerning the concurrence of the Vespers of the Holy Family with the First Vespers of the Most Holy Crown of Thorns. The Reverend Onesimus Machez, Canon of the cathedral church of Atrebaten, and editor of the diocesan calendar, with the permission of his Reverend Ordinary, humbly requested a resolution from the Congregation of Sacred Rites regarding the following doubt: How should the Vespers of the feast of the Holy Family of Nazareth be arranged for the coming year, 1902, since, by Apostolic concession, it is transferred to the feria after Ash Wednesday, and thus coincides with the First Vespers of the Most Holy Crown of Thorns, whose Office is celebrated on the following day? And the Sacred Congregation, after consideration by the undersigned Secretary, with the careful vote of the Liturgical Commission, and after all things had been duly considered, decided to respond as follows: The Vespers should be divided according to the rubrics.

D. CARD. FERRATA, L. * Prefect.

D. PANICI, Archbishop of Laodicea, Secretary.

LUGDUNEN. The new edition of the Roman Missal, preserving the ancient rites, is granted and approved for the Church of Lugdunum. The noble Church of Lugdunum, most distinguished in Gallus for its antiquity and dignity, is said to have faithfully maintained its own rites, received from its predecessor, Irenaeus, and from the martyrs, from ancient times. However, with the passage of time, and through the work and study of the most pious and devoted Charles the Great, all the Churches of Gallia showed great filial love and obedience to the Apostolic See, and received from Hadrian I, the Supreme Pontiff, the Sacramentary and the Antiphonary of Saint Gregory the Great, together with the Liturgy of the Holy Roman Church.

[*Latin ed. p. 615*]

FROM the Sacred Canons 615, the Church of Lyons itself gave its fullest consent to certain matters, with only a few reservations, concerning the rites and customs to which the clergy and the faithful were firmly attached, with the approval of the Apostolic See. This is not surprising, for it had well known the opinion of its most esteemed predecessor, the Venerable Irenaeus, who, having been a disciple of Polycarp, disciple of the Apostle John and Evangelist, and having been instructed by Pope Eleutherius, had orally taught the traditions which the Church of Rome preserved without blemish, namely: "It is necessary that all Churches should come together in the Roman Church, because it is the greatest, that is, because it is the one

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which holds the principal place." Moreover, the Constitutions of St. Pius V, "Quo Primum" and "Quod A Nobis," did not alter the Missal and Breviary in use in the Church of Lyons, but left them intact and in their rightful possession. However, in the 18th century, abuses spread throughout France, by which prelates changed the Missal and Breviary at will and without due license, and even the Metropolitan Church of Lyons, despite the resistance of its own Canon Regular Order, was subject to this. Following the example of the Sacred Prelates of France, and in obedience to the will of Pope Pius IX, the Most Reverend Cardinal Ludovic de Bonald, Archbishop of Lyons, introduced the Roman Missal and Breviary into the Archdiocese of Lyons; and at the same time, he obtained Apostolic approval for the Calendar and Proper Offices and Masses for the same Archdiocese, retaining only those rites and customs from the ancient liturgy of the Church of Lyons that were remembered, purged of novelties, and consonant with and approved by the Roman liturgy. The Chapter of the Metropolitan Church had long desired that the Roman Missal be printed by order of the Most Reverend Archbishop, according to the decrees and privileges already granted. This work, barely begun by the Venerable Archbishop, was completed by the present Most Reverend Archbishop and the Reverend Cardinal Peter Hector Coullié. In a suppliant letter to the Most Holy Pope Leo XIII, they urged that the Roman Missal, according to the exhibited model, be published with Apostolic approval and that it be permitted to be used by the entire clergy of Lyons. Furthermore, the Sacred Congregation of Rites, at the mandate of the same Most Holy Pope, undertook to carefully revise the aforementioned Missal, having obtained all necessary and appropriate information and also the votes of one and another from its members.

[*Latin ed. p. 616*]

616 FROM the Sacred Congregation of Rites, together with the vote of the Liturgical Commission. All of these matters, having been presented to the Most Reverend Archbishop, together with the Metropolitan Chapter and the entire clergy of the Archdiocese of Lyons, and after deliberation, the Most Reverend and Right Reverend Cardinal Vincent Vannutelli, Bishop of Praenestinus, and Relator for this cause, proposed the following question at the Ordinary Sessions of the Congregation of Sacred Rites, held on April 2nd of the current year, in Vatican: Concerning the granting and approval of a new edition of the Roman Missal for Lyons, with special rubrics, liturgical texts, and proper Masses for the feasts of the saints, according to the privileges. And the Most Reverend Fathers, entrusted with safeguarding the sacred rites, after the presentation of the report by the Most Reverend Cardinal, having carefully considered all matters, judged that nothing should impede the publication of the Missal, provided it is printed with the title: "Roman Missal, in which the ancient rites of Lyons are preserved, recognized and approved by the Apostolic See"; and that the

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solemn Mass should include, as is customary, two blessings, namely the new blessing on the feast of St. James the Apostle, and the blessing of the Lord's Transfiguration on the feast of the Transfiguration of the Lord. This opinion, having been reported by the undersigned Cardinal, Prefect of the Sacred Congregation of Rites, was ratified and approved by His Holiness Pope Leo XIII, and he granted permission that the Roman Missal, with the aforementioned title, may be printed and used by the entire clergy of the Archdiocese of Lyons in the future. Notwithstanding any objections. May 1st, 1902. D. L. CARD. FERRATA, Prefect. D. PANICI, Archbishop of Laodicene, Secretary. DECREE by which the new edition of the Roman Martyrology is approved. The present Martyrology, having been recently revised and augmented, the Sacred Congregation of Rites, with the approval of the Most Holy Pope Leo XIII, has decreed that it be printed by the Polyglot Printing Press of the Sacred Congregation of Propaganda Fide, and that it may not be printed by others in any place.

[*Latin ed. p. 617*]

From the Sacred Rituals, 617, subject to the authority of the local Ordinary, and entirely according to this model. On May 1, 1902. D. L. CARD. FERRATA, Prefect, and D. PANICI, Archbishop of Laodicea, CARMELITE, of the Ancient Observance. DECREE by which the custom of singing the Mass of the Blessed Virgin on Saturdays is confirmed for the Carmelites. From time immemorial, this custom has been observed, as historical documents, especially those drawn from the archives of the Order itself, abundantly testify: on each Saturday throughout the year, with only a few more solemn exceptions, the Mass of the Blessed Virgin Mary, assigned for Saturday in the Carmelite Missal, or the Mass of the Octave of some Feast of the Mother of God, is sung in the churches belonging to the Order. However, whether due to the suppression of monasteries, or the small number of Carmelites, or other reasons, this praiseworthy practice has been interrupted in some churches of the same Order. Therefore, it was deemed fitting, with unanimous votes, in the General Chapter, recently held last October in the City, to restore this pious and most ancient custom wherever it is lacking. Wherefore, the Reverend General Procurator of the aforementioned Order humbly requested our Most Holy Lord Leo XIII, Pope, that, removing all doubt in this matter, He would deign to approve and confirm with supreme authority the custom of singing the solemn Mass of the Blessed Virgin, or the Mass of the Octave of some feast of the Mother of God, on each Saturday throughout the year, in all churches of the Carmelite Order of the Ancient Observance, and that He would also grant the power to recite the votive Mass in those monasteries or houses where only a few priests of the Carmelite Family reside. The Sacred Ritual Congregation, by virtue of the powers specially granted to it by the same Most Holy Lord, confirmed the aforementioned custom in such a way that the requested

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solemn Mass, or the recitation of the Mass, is permitted.

[*Latin ed. p. 618*]

618 According to the prescribed order, the Gloria, the Creed, and the Nicene Creed are omitted; except on Saturdays, or when the Feast of the First Class occurs, or during the Octaves of the Nativity and Epiphany of the Lord, of Easter, of the Resurrection, of Pentecost, and of the Body of Christ, as well as on the Vigil of the Nativity of the Lord (when it falls on a Saturday), on the Vigil of Pentecost, and on the Feast, or on the Vigil or Octave of the Blessed Virgin Mary, in which cases the Mass will be celebrated according to the respective feast, or Vigil, or Octave; the rubrics are to be observed. All contrary regulations are hereby repealed. December 13, 1902. D. CARD. FERRATA, L. s S. Prefect. D. PANICI, Archbishop of Laodicea, Secretary of the Congregation for the Eastern Churches, or the Congregation for the Propagation of the Faith, concerning the Custody of the Holy Land. For the Church or House of St. Cleopas, located at Nicopolis, the proper Office, with Mass, Suffrage, and Commemoration of the Feast, is approved and granted, concerning the manifestation of Christ which occurred at Nicopolis. From the most remote centuries, and especially during the time of the Crusades, a praiseworthy custom has prevailed in the Church of Jerusalem, namely, to celebrate, in a festive manner, a votive Office and the holy Mass, so that these mysteries might be more frequently commemorated in those places where, according to tradition, the same things are said to have happened. In several other churches lawfully dedicated for worship (which are the most meritorious sanctuaries), where proper Offices with Masses, especially votive Masses, are recited, the Roman Pontiffs, since the 16th century, have generously granted, following the example of particular prelates, the right to establish similar observances. Therefore, the House of St. Cleopas at Nicopolis, which was taken from the hands of infidels in the year 1861 and, in the year 1873, after the discovery of ancient ruins, a sacred building was erected as a sanctuary, entrusted to the Order of Friars Minor of St. Francis, and whose original form and splendor have been restored through the care and diligence of this Order. This House, although most celebrated for its mysteries, is especially renowned for the wonderful apparition of our Lord and Savior to the two disciples Cleopas and their companion.

[*Latin ed. p. 619*]

From the Sacred Rituals, number 619, the most solemn Office, completed on the day of the Resurrection of the dead, which those who have partaken of Jesus, the Redeemer, in the Eucharistic Bread, celebrated there, as well as the other sanctuaries of Palestine, have long enjoyed, was not yet present. Therefore, the Most Reverend Father Frigdianus Giannini, praised of the Order of the Minor Friars, Custodian of the Holy Land, fervently offered

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supplications to the Most Holy Lord, our Pope Leo XIII, explaining that the Office, together with the proper Mass, whose schema he humbly submitted, concerning the Manifestation of the Resurrected Christ in Castello Emmaus, which is the title of the newly erected church, and to be celebrated annually on the second day of the Octave of Easter, would be kindly approved and granted. This Office, together with the Mass, was therefore presented to the Most Eminent and Most Reverend Lord Cardinal Dominic Ferrata, Prefect and Relator of the Congregation of Sacred Rites, and was signed at the ordinary meetings of the aforementioned Sacred Council, held on the designated day at the Vatican; the Most Eminent and Most Reverend Fathers, entrusted with the preservation of the sacred rites, having carefully considered all matters, and especially having attended to the fervent vote and the extensive recommendation of the Most Reverend Ludovico Piavi, Patriarch of Jerusalem, and having heard the Reverend Father Alexander Verde, Promoter of the Holy Faith, deemed it necessary to write: "For the sake of grace, and to the Most Eminent Prefect, with the Promoter of the Faith." On December 2, 1902. After the Office and Mass had been presented, reviewed, and amended, and after all these things had been related to the Most Holy Lord, our Pope Leo XIII, and the Prefect of the aforementioned Congregation had ratified the judgment of the same Congregation, the Most Holy One, having considered the aforementioned Office and Mass, together with the Suffrage and the Praise (by inserting them in the Roman Martyrology and in the Martyrology of the Holy Land), as prescribed by the aforementioned decree, graciously deigned to approve the aforementioned Office and Mass, to be celebrated annually on the second day of the Octave of Easter, under the title of the Manifestation of the Resurrected Christ in Castello Emmaus, in the church, or house of Cleopas, with a double Office of the first class, observing the rubrics. Contrary to any objections whatsoever. On the 16th day of the same month and year. D. CARD. FERRATA, Prefect. L. S. F. D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 620*]

620 FROM THE RITUALS OF JERUSALEM, OR THE ORDER OF MINOR FRATIARIES OF SAINT FRANCIS, GUARDIANS OF THE HOLY LAND. For the Sanctuary of Castello di Nicopolis, four proper votive Masses are approved and granted. Furthermore, in order that greater sentiments of piety and the fruits, which are wont to flow from the pious pilgrimage of the faithful to the sacred places of Palestine, may be gathered, and especially for the consolation of visiting priests, these votive Masses are most readily granted to those visiting the Sanctuary, or the House of Saint Cleophas, at Castello di Nicopolis. Therefore, Reverend Father Frigdianus Giannini, a Minor Friar, Guardian of the Holy Land, humbly requested the Most Holy Lord Pope Leo XIII, through fervent prayers, that he would deign to extend the privilege of the proper votive Mass, which is

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granted to other sacred places in Palestine, to the Sanctuary of Castello di Nicopolis and the House of Cleophas. Wherefore, the following schema of four such votive Masses, suitable for the respective altars of the new church and the Sanctuary, was humbly submitted for the approval of the Supreme Pontiff: I. The Mass (of greater importance, to be celebrated according to the Apostolic Indult of August 31, 1865) is concerning the Mystery of the Manifestation of Our Lord Jesus Christ Resurrected, to be celebrated in the new church at Castello di Nicopolis, of which the same Mystery is the title: II. As with the other two votive Masses, which, according to the Apostolic Indult, are granted to the sanctuaries of the Minor Order in Palestine, it is concerning Saint Cleophas, a disciple of Christ, and a witness to His Resurrection: III. It is concerning Saint Simon, or Simon, a companion of Saint Cleophas, who likewise recognized the Lord in the breaking of bread after He had risen from the dead: IV. Finally, a votive Mass for the place where the Lord Jesus joined Himself to those disciples on the road, to be celebrated in the main altar of the new church at Castello di Nicopolis, until another sanctuary in the same place is dedicated by the hands of the faithful. The schema of these four Masses, as well as...

[*Latin ed. p. 621*]

From the Sacred Rites, 621. The Most Reverend Dominic Ferrata, Prefect and Relator to the Congregation of Sacred Rites, in the Ordinary Assembly of the aforementioned Sacred Council, convened on the designated day at the Vatican, proposed that the Most Eminent and Most Reverend Fathers presiding over the Sacred Rites, after careful consideration, and also taking into account the vote and the recommendation of the Most Reverend Lord Ludovicus Piavi, Patriarch of Jerusalem, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith, decreed as follows: "For the sake of expediency, and to the Most Eminent Prefect, with the Promoter of the Faith. On December 2, 1902." Finally, after the revision was completed, and all these matters were reported to His Holiness Pope Leo XIII by the aforementioned Cardinal, His Holiness ratified the decision of the Sacred Council, and graciously approved the aforementioned votive Masses for use by the clergy in the sacred sanctuary at the Castle of Emmaus, as follows: "That the votive Mass, with the admirable Mystery of the Lord's Supper, be celebrated in all altars of the new Church, with the Gloria and the Creed, without that Commemoration, on each day of the year, except on the Feast of the Epiphany of the Lord, throughout the entire week of Easter, on the Sundays of Easter and Pentecost, on the Nativity of Our Lord Jesus Christ, and also on the Feast of the Assumption of the Blessed Virgin: the other three votive Masses, however, shall be celebrated according to the rubrics, only in the respective altars, without the Gloria and the Creed, and without any Commemoration, on each day of the year, except on Sundays and on the days of the first and second class, and also

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on the Vigils of the Nativity of the Lord and of Pentecost, on the Fourth Day of Lent, throughout the entire week, and on the Octaves of the privileged feasts: all other rubrics being observed. Contrary opinions notwithstanding." On the 16th day of the same month and year. D. CARD. FERRATA, Prefect of L. & S. D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 622*]

622 FROM THE RITES OF THE ROMAN CHURCH: A QUESTION concerning the concomitance of the Masses of the Perpetual Adoration and of the Blessed Virgin Mary, and of the Feast Day occurring on the same day. The present matter, arranged according to the calendar used by the Roman clergy, having presented a doubt to the Congregation of Sacred Rites for a suitable solution, humbly proposes the following: In the year 1904, which is about to come, on March 7th, the feast of Saint Thomas Aquinas falls, which is a Feria II after the Third Sunday of Lent, and also the feast of the Blessed Virgin Mary, Perpetual Adoration and of the Blessed Virgin Mary, Felicity. Since the Postcommunion for the Feria and for the Martyrs is the same, and according to the rubrics, the Postcommunion for these same Martyrs should be changed, the question arises: From where should it be taken? And the Sacred Rites Congregation, after hearing the opinion of the Liturgical Commission, and considering that a response should be given, decided as follows: In this case, the Postcommunion from the Mass of many Martyrs, "Salas autem," should be used. But if the feast of a double or semi-double class of the Blessed Virgin Mary, Perpetual Adoration and of the Blessed Virgin Mary, Felicity, should change the Postcommunion of the Feria, then the Postcommunion of the next following day should be used. And thus it was decreed. February 19, 1903. S. L. * CARD. CRETONI, Prefect. D. PANICI, Archbishop of Laodicea, Secretary of Plocensis. Women are forbidden to sing at solemn Masses. In order that the decorum of the divine worship may be observed and that the sacred functions may be performed correctly and properly in the Diocese of Plocensis, the present Ordinary of the same Diocese humbly presents the following to the Congregation of Sacred Rites for a suitable declaration: In the Diocese of Plocensis, as in other dioceses of Poland, there is a custom that at solemn Masses, especially on days throughout the year...

[*Latin ed. p. 623*]

FROM THE SACRED CONGREGATION OF RITES, 625: In more solemn celebrations, the Gloria, the Gradual, and the Creed are sung. Furthermore, above the main entrance of the church, where there is an organ, a choir is established, consisting of women and girls, either alone with the organist, or joined with young men and women, in which mixed choirs the soprano voices are sung by girls. While certain Polish periodicals defend this practice, many cultivators of Archaeology and

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Liturgy disapprove of it. The following questions are raised: I. Is the aforementioned custom licit, and in conformity with the law and the sense of the Church? II. And, if the answer to I is negative, can it at least be tolerated? The Sacred Congregation, after careful consideration of the report of the undersigned Secretary, and after a thorough deliberation by the Liturgical Commission, decided that the answer should be: No to both. Decree No. 3964, concerning Truxillo, of September 17, 1897, also extended this ruling. And thus, it was decreed on February 19, 1903. S. CARD. CRETONI, Prefect. L. D. PANICI, Archbishop of Laodicea, Secretary. A DOUBT concerning the performance of the blessing of houses on Holy Saturday. The parish priest of the place N., in the diocese of N., recently submitted the following questions to this Sacred Congregation: I. Can the blessing of houses on Holy Saturday be performed in the evening hours of Feria VI (Thursday) and on Friday? 2°. And, if the answer to I is negative, can an indulgence be granted in this case? 3°. Is the blessing of houses on Holy Saturday a matter of parochial rights? The Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and after hearing the opinion of the Liturgical Commission, decided that the answer should be: No to I and No to II, in accordance with Decree No. 3645, "Isolana," of October 20.

[*Latin ed. p. 624*]

624 From the Sacred Congregation of Rites, November 1885, Decree II, it is possible to bestow the blessing of the palms during the octave of Easter. Regarding the third question, the answer is affirmative. And so it was decreed, on March 7, 1903. S. CARDINAL CRETONI, Prefect of the Liturgy. * S. f D. PANICI, Archbishop of Laodicea, Secretary. Lay societies, in funeral processions, must follow the hearse. The current Prefect of the Clergy of Jesus and Mary of the City and Dioceses of Stabia, or Castrimaris, humbly requested a solution to the following doubt from the Congregation of Sacred Rites, with the consent of his Most Reverend Bishop: Whether, in funeral societies, Catholic lay groups wearing the aforementioned flags, can precede the clergy carrying the Cross, and whether they should follow the hearse? And the aforementioned Sacred Congregation, after considering the report of the undersigned Secretary, and also upon the earnest request of the Liturgical Commission, decided to respond as follows: Negatively to the first part; affirmatively to the second. And so it was decreed, on March 14, 1903. S. CARDINAL CRETONI, Prefect of the Liturgy. * S. f D. PANICI, Archbishop of Laodicea, Secretary. DOUBT. The main chapel of seminaries, having been blessed, is equivalent to churches with regard to the rights of the titular saint. The proposition of the doubt: Whether the main chapel of seminaries, solemnly blessed with a special title, enjoys the privileges that belong to the titular saint or mysteries of any church, or of a public oratory

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solemnly blessed, namely, that in...

[*Latin ed. p. 625*]

From the Sacred Regulations, 625: In all prayers, and in the Supplications of the Saints at Lauds and Vespers, is the titular saint to be named? The Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and also the vote of the Liturgical Commission, decided to respond as follows: Affirmative, according to the decree No. 4025, of June 5, 1899, section V, and No. 4043, of June 27, 1899, sections I and VIII. And thus it responded: On March 14, 1903. To His Eminence, Cardinal Cretoni, Prefect of the Congregation of Rites, and to His Excellency, Archbishop Panici, of Laodicea, Secretary. Concerning the custom of singing the Lamentations, etc., with the sound of the organ and other instruments in PISANA. It cannot be tolerated. Since, notwithstanding the custom, and by the decrees of the Ceremonial Congregation and of the Sacred Congregation of Rites, it is permitted that on the Feasts of the IVth and VIth days of the Greater Week, the Lamentations, the Responsoria, and the Psalm *Miserere*, along with the other liturgical parts, be sung together with the sound of the organ and other instruments, the Reverend Lord Guidus Salvioni, Canon and Vicar of the Choir of the Primatial Church of PISANA, knowing this to be true, humbly presented the following questions for resolution to the same Sacred Congregation:

I. In the Primatial Church of PISANA, on the aforementioned feasts, is it permissible, considering the ancient custom, that the singing of the Lamentations, the Responsoria, and the Psalm *Miserere* be performed together with the instrument called the Harmonium, and other instruments such as the harpsichord, violins, violas, and contrabass?

II. And, if the answer to I is negative, is it at least permissible to use only the instrument called the Harmonium?

And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, after hearing the Reverend Archbishop of PISANA, and after the careful opinion of the Liturgical Commission, decided to respond as follows: Approved. Volume XXXV, page CDXVJII, 40.

[*Latin ed. p. 626*]

626 FROM THE SACRED RITUAL: Negative, concerning both [cases], according to the Ceremonial of Bishops, Book I, Chapter XXVII, and the Decrees 2959 of Turin, September 11, 1847; 3804 of Sorana, July 16, 1893; and 4044 of Bonaeren, July 7, 1899. And thus, it was written and ordered to be observed. On March 20, 1903. His Eminence, Cardinal Ferrata, Prefect of the Sacred Congregation; His Grace, Archbishop Panici of Laodicea, Secretary. SAN MINIATO: The custom of exhibiting certain images to the veneration of the faithful on the feast of the Votive Mass of the Holy Body and Blood of Christ is disapproved. To the Most Reverend Archpriest and

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Parish Priest of the church of Saint John the Baptist in the town of Fucecchio, in the Diocese of San Miniato, who requested: "Notwithstanding the decree of the Most Reverend Bishop of San Miniato, issued on February 9 of the present year, 1903, may images or representations of the Most Holy Redeemer, dead, or of the Sorrowful Virgin Mary, be placed on a separate altar, in such a way that they may be exposed to the veneration of the faithful on the same day, while the Most Holy Sacrament of the Eucharist remains publicly exposed on the altar where it is normally kept on the feast of the Votive Mass of the Holy Body and Blood of Christ?" The Sacred Congregation of Rites, after considering the matter, and with the opinion of the Liturgical Commission, decided to respond: Negative, and the Episcopal Decree must be observed. And thus, it was written. On March 27, 1903. His Eminence, Cardinal Ferrata, Prefect of the Sacred Congregation; His Grace, Archbishop Panici of Laodicea, Secretary.

[*Latin ed. p. 627*]

FROM THE GENERAL RITUAL, BOOK VI, CHAPTER 27, CONCERNING THE CITY AND THE WORLD. DECREE. In the Lauretan Litany, after the invocation "Mother of Wonders," the following is added: "Mother of good counsel, pray for us." Because the Most Blessed Virgin Mary, filled with the grace of the Holy Spirit and illuminated by Her own splendor, eternally received the divine counsel and the mystery of the incarnate Word with all obedience of mind and heart, and having become the Mother of God, She also deserved to be called the Mother of good counsel. Moreover, instructed by divine wisdom, She poured forth generously to those around Her the words of life, which She had received from Her Son and kept in Her heart. It is fitting to believe that in the wedding at Cana of Galilee, this new Rebecca offered counsel and assistance; but it is also fitting to believe that She consoled pious women and other disciples of the Lord, and even the holy Apostles themselves. We have discovered that this prerogative has been recognized and confirmed for the Mother of God, when Jesus, about to die, seeing His Mother and the disciple whom He loved standing near the cross, said to His Mother: "Woman, behold, thy son." Then He said to the disciple: "Behold, thy mother." And from that hour, the disciple took Her into his own home. It is also transmitted by the Fathers of the Church that all the faithful were present with John. Furthermore, with the approval of the Apostolic See, from ancient times, both the clergy and the Christian people, imploring Her together, have greeted the Most Blessed Virgin with the glorious title "Mother of good counsel." Indeed, Our Most Holy Lord Pope LEO XIII, observing the singular piety of the faithful towards the Mother of good counsel and Her sacred Image, which is especially venerated in the Sanctuary of Genest, after having approved a new Office with a Mass for the feast day by decrees of the Congregation of Sacred Rites in the year 1884, and in the year 1893 having also granted a special scapular

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with indulgences; in that same year 1903, the Sanctuary itself, previously enlarged with new buildings and a hospital, was raised to the rank and dignity of a Minor Basilica, with all its rights and privileges, by Apostolic Letters in the form of a Brief. Finally, Our Most Holy Lord, desiring that the title of the Blessed Virgin Mary be increased in greater honor and devotion, after consultation with the Congregation of Sacred Rites, with the Cardinal Prefect and Relator, decided and decreed that in the Lauretan Litany, after the invocation "Mother of Wonders," the following be added: "Mother of good counsel, pray for us."

[*Latin ed. p. 628*]

628 Moved by the consideration of the sacred rites, and strengthened in purpose, so that, in so many calamities and darknesses, the pious Mother, who is called the treasure of celestial graces and the universal intercessor by the holy Fathers, may, under this very title, be invoked throughout the entire Catholic world, so that she may demonstrate that she is truly a Mother of good counsel, and that through her, the grace of the Holy Spirit, which illuminates the mind and heart, or the gift of holy counsel, may be obtained. Despite all opposition, on April 22, 1903. SERAPHINUS CARD. CRETONI, Prefect. L. & S. f. DIOMEDE PANICI, Archbishop of Laodicea, Secretary. On April 21, 1903. An ordinary Congregation of Sacred Rites was held in the Apostolic Palace at the Vatican, in which the following matters were presented to the judgment of the Most Reverend and Most Reverend Cardinals of the same Congregation: namely: 1. The cause for the reexamination of the canonization of Blessed Mary Anne of Jesus of Paredes; 2. The introduction of the cause for the beatification and canonization of the Servant of God Peter Joseph Formet, a hermit, of the diocese of Saint-Dié; 3. Also, the Servant of God, Brother Benildis, of the Congregation of the Brothers of Christian Schools; 4. The revision of the writings of the Servant of God, Joseph Cafasso, a secular priest of Taurinensis; 5. Also, the writings of the Servant of God, Paula Frassinetti, the Foundress of the Sisters of Saint Dorothy; 6. Also, the writings of the Servant of God, Mary Magdalene de Bengy, Countess of Bonnault d'Honet, the Foundress of the Society of the Faithful Daughters of Jesus; 7. The granting and approval of Litanies in honor of Saint Joseph, the Spouse of the Blessed Virgin Mary, for the entire Church; 8. The granting and approval of the Office and the proper Mass for the feast of All Saints of the Society of Jesus, for the same Society; 9. The confirmation and approval of the election of Blessed Mary, under the title of Gratiarum, as the principal patroness of the place commonly called Carpenzano, in the archdiocese of Cosentinae.

[*Latin ed. p. 629*]

FROM THE SACRED RITUALS, 629, 10. Confirmation and approval of the election of the Blessed Virgin Mary, under the title of Divine Provi-

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dence, as the principal patroness of the places commonly called Turrilla and Laeghio, in the diocese of Tortona; and also, approval and concession of an Office and Mass in honor of the Blessed Virgin Mary under the same title; 11. Confirmation and approval of the election of the Blessed Virgin Mary, known as "Our Lady of Begogna," under the title of Maternity, venerated in Lavisbrica (Bilbao), as the principal patroness of the province of Cantabria (Biscaglia); 12. Confirmation and approval of the election of Saint Martin of the Ascension as the principal patron of the region of Beasain, in the diocese of Vitoria; 13. Finally, concession and approval of an Office and Mass for the two feasts of Saint Wivina, in the parish church of Saint Mary of Sablón (Brussels), in the archdiocese of Mechlin. On April 28, 1903. In the Apostolic Palace at the Vatican, with the intervention of the Most Eminent and Reverend Cardinals, and with the votes of the Prelates and Theological Consultors of the Congregation of Sacred Rites, a preparatory meeting was held to discuss two miracles, which it is asserted were wrought by God through the intercession of the Blessed John Gabriel Perboyre, a priest of the Congregation of the Mission, and which are proposed for his canonization. On May 19, 1903. The same preparatory meeting was held in the Apostolic Palace at the Vatican to discuss two miracles, which it is asserted were wrought to the glory of the Blessed Alexander Sauli, of the Congregation of the Regular Clerics of Barnabas, Bishop of Pavia, and which are proposed for his canonization.

[*Latin ed. p. 630*]

FROM THE HOLY CONGREGATION FOR INDULGENCES AND SACRED RELICS OF SULMONA. DOUBTS concerning the practice of the Living Way of the Cross. A.M., Canon of the Cathedral Basilica of Sulmona, proposed the following doubts to be resolved before this Holy Congregation for Indulgences: I. Is it required, in order to properly perform the practice of the Living Way of the Cross and to gain the indulgences attached to it, that, along with meditation, a visit be made to each station assigned to each person in turn? And, if so: II. Must this visit be made in the churches where the Sodality of the Living Way of the Cross is established, or even in any other church where the Stations of the Way of the Cross are erected? The Holy Congregation ordered that a response be given: To I. Negatively, according to the Decree of August 16, 1901, paragraph VII. To II. As provided in the response to question 1. Given in Rome, from the Secretariat of the Holy Congregation for Indulgences and Sacred Relics, on November 26, 1902. L. * S. S. CARDINAL CRETONI, Prefect. SUMMARY of Indulgences granted to the Archiconfraternity of the Holy Scapular of the Blessed Virgin Mary, Mother of Consolation, of Saint Augustine and Saint Monica. I. Plenary Indulgences. To all the Christian faithful of both sexes who are truly penitent, having confessed and having received Holy Communion: 1. On the day they enter the Archiconfraternity. To all mem-

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bers:

[*Latin ed. p. 631*]

FROM THE DECREE ON INDULGENCES, 631, 2.

On the feast of the Nativity of Our Lord Jesus Christ;

3. On the Epiphany;

4. On Easter;

5. On the Ascension;

6. On the solemnity of the Body of Christ;

7. On the feast of Pentecost;

8. On the feast of the Nativity of the Blessed Virgin Mary;

9. On the Annunciation;

10. On the Purification;

11. On the Assumption;

12. On the Immaculate Conception;

13. On the feast of the Blessed Virgin Mary, Mother of Consolation;

14. On the feast of Saint Michael the Archangel;

15. On the feast of Saint John the Baptist;

16. On the feast of Saint Joseph, Spouse of the Blessed Virgin Mary;

17. On the feasts of the Apostles Peter and Paul;

18. On the feast of Saint Augustine, Bishop and Doctor;

19. On the feast of Saint Monica, Virgin;

20. On the feast of All Saints;

21. On the Commemoration of the faithful departed of the Order of Saint Augustine and the Confraternity, applicable only to them;

22. On the Sunday of the First Advent;

23. On the Sunday of the First Sunday of Lent;

24. On the Sunday of the Fourth Sunday of Lent;

25. On the Feria [weekday] of the Greater Week, provided that, having observed the aforementioned days, they have made confession, and, having been refilled with the Holy Eucharist, have prayed according to the intention of the Supreme Pontiff;

26. On the fourth Sunday of any month, if, as prescribed above, they have devoutly participated in the procession, which is held on that Sunday in the churches of the Order or the Confraternity.

The members, as often as, according to what is prescribed above, from the first Vespers until the sunset of the following days, that is to say:

27. On the feast of the Nativity of the Blessed Virgin Mary, and

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28. On the Sunday immediately following the feast of Saint Nicholas of Tolentino,

have visited the altar or the chaplain of the Archconfraternity and have prayed according to the intention of the Supreme Pontiff, they will gain a plenary indulgence each time.

29. And, finally, at the hour of death, a plenary indulgence, if, as prescribed above, or at least with contrition, they have invoked the Most Holy Name of Jesus, or, if they are able, have said it.

[*Latin ed. p. 632*]

632 FROM THE DECREE OF THE COUNCIL OF TRENT ON INDULGENCES, II. Station Indulgences. Members [of the Order of St. Augustine], on each day as described in the Roman Missal, if they visit the church of the Order of St. Augustine or the altar of the confraternity, obtain all the indulgences they would gain if they visited the churches of the city designated for those stations on those same days, provided that they duly perform the other works of piety prescribed for gaining these indulgences. III. Indulgences of the Seven Churches. Members who have visited seven altars in churches of the Order of St. Augustine designated for this purpose, gain the same indulgences that they would obtain by visiting seven churches, either within or outside the city. IV. Partial Indulgences. A. Ten years and forty days: 1. On all feasts of Our Lord Jesus Christ which are celebrated throughout the entire Church, and their octaves; 2. On all feasts of the Holy Mother of God, which are likewise celebrated throughout the entire Church, and their octaves; 3. On all feasts of the Saints Apostles and Evangelists; 4. On the feast of St. John the Baptist; 5. On the feast of St. Joseph, Spouse of the B.V.M.; 6. On the Solemnity of All Saints; provided that on these days they at least visit the church or altar of the confraternity with a contrite and devout heart, and pray for a time. B. Seven years and forty days: 1. On the feast of St. Augustine, Bishop and Doctor; 2. On the feast of St. Monica, Virgin; if they perform the same pious works.

[*Latin ed. p. 633*]

FROM SACRED INDULGENCES 633, section 3. Also, to members who attend the evening prayer, which is held daily in the churches of the Order; or who recite the prayer "Salve Regina," or a prayer for the Church and for the Pope. C. Two hundred days: Whenever the members participate in divine services, which are ordinarily held in the oratory or chapel of the confraternity; or attend congregations and prayers that are customarily held there. D. One hundred days: Whenever the members perform some work of piety or charity. V. Indulgences for the recitation of the Rosary of the Blessed Virgin Mary for Consolation. 1. Members, whenever they recite the entire Rosary with at least a contrite and devout heart, gain an indulgence of one hundred days for each recitation of the Our Father and the

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Angelic Salutation. 2. Whenever the same Rosary is recited: a) in churches where the confraternity is canonically established; b) on the feast of the Blessed Virgin Mary, Mother of Consolation, or on each day of the octave of the same feast, the members gain, for each recitation of the Our Father or any Hail Mary, an indulgence of two hundred days. 3. Members who are accustomed to recite the Rosary four times a week may, once a year, on a day of their choosing, gain a plenary indulgence, provided they are contrite and have received Holy Communion, and recite the same Rosary. 4. Also, members who recite the aforementioned Rosary for the entire month gain a plenary indulgence, provided that, within the same month, on days of their choosing, they are truly contrite, have received confession, and have prayed before the altar for the intention of the Supreme Pontiff.

[*Latin ed. p. 634*]

634 FROM THE SACRED CONGREGATION FOR INDULGENCES: All and each of the indulgences listed in the present enumeration, except for those granted in articulo mortis, are applicable to the souls who are detained in Purgatory. VI. Privileges and Indulgences. 1. All Masses celebrated in any altar for deceased members of the sodality enjoy the same privilege as if they had been celebrated in a privileged altar. 2. Members who reside in places where there is no church of the Order of St. Augustine, may gain all the indulgences that they would obtain by visiting said church, provided that, having fulfilled the other prescribed works, they visit the altar of the confraternity, or, if that is also lacking, their parish church. 3. Members who reside in colleges, seminaries, and other communities, may gain the indulgences pertaining to the sodality by visiting the chapel of the respective house in place of the church of the Order or the confraternity, having fulfilled all the other conditions. DECREE. Since the General Prior of the Order of Eremites of St. Augustine, in order to remove all doubt concerning the indulgences formerly granted to the members of the Archconfraternity of the Holy Mother of Consolation, of St. Augustine and St. Monica, has submitted a new list of these indulgences to this Sacred Congregation for Indulgences and Sacred Relics for approval: the same Sacred Congregation has subjected it to examination by some of its Consultors. And those, after a careful examination, having judged that some indulgences should be suppressed, others added, and others modified according to present practice, have proposed a new list, which is presented above. The Sacred Congregation, by virtue of the special faculties granted to it by Our Most Holy Father Leo XIII, has confirmed some of the indulgences included in the aforementioned list, and has legitimately granted others; and it has also decreed that, with respect to any other indulgences that may have been abrogated or revoked, the aforementioned Archsodality shall, in the future,

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enjoy those.

[*Latin ed. p. 635*]

FROM THE SACRED CONGREGATION FOR INDULGENCES, 635: Only those indulgences can be enjoyed which are listed in the aforementioned index. Notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the same Sacred Congregation, on the 1st day of December, in the year 1902. S. CARDINAL CRETONI, Prefect. f FRANCISCUS SOGARO, Archbishop of Amiden, Secretary.

INDULGENCE FOR THE MISSIONARY PRIESTS: A privilege concerning the Sabbath is granted to the Missionary Priests.

Most Blessed Father, Augustine Veneziani, General Vice-Procurator of the Mission, kissing the Holy Feet, humbly requests Your Holiness to deign to grant the Missionary Priests the faculty of dispensing to the Daughters of Charity and others residing in the hostels, directly by said Sisters, from the fast and abstinences necessary on the Sabbath, according to the prescriptions of the Scapular of Carmel, even in those places where monasteries or houses of the Order of Carmelites exist, since it is very difficult for the aforementioned to confer with the Carmelites concerning this dispensation. And God, etc.

The Sacred Congregation for Indulgences and Sacred Relics, making use of the faculties specially granted to it by the Most Holy Pope Leo XIII, benignly grants the requested grace, according to the prayers. This present document is valid forever. Notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the same Sacred Congregation, on the 11th day of February, in the year 1903. A. CARDINAL TRIPEPI, Prefect. L. & S. f FRANCISCUS SOGARO, Archbishop of Amiden, Secretary.

[*Latin ed. p. 636*]

636 FROM THE INDULGENCES OFFICE OF BONONIA: A QUESTION concerning absolutions and blessings to be conferred by nuns of the Third Order. The following question was presented to this Holy Congregation, which presides over Indulgences and Sacred Relics, by confessors from certain monasteries of religious women of the Third Order, existing in the Archdiocese of Bononia: Are religious women of the Third Order of a regular institute, subject to the jurisdiction of a bishop, who have the power to confer certain general absolutions and apostolic blessings, to obtain these spiritual favors through the ministry of a confessor appointed by the bishop, or through a religious or secular priest designated by the superior of the respective Order? The Holy Congregation ordered that the following be answered: Affirmative regarding the first part; negative regarding the second. Given in Rome, from the Secretariat of the same Holy Congregation, on the 11th of February, 1903. A. CARD. TRIPEPI, Prefect. S. f. FRANCISCUS SOGARO, Archbishop, Amen. Secretary.

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INDULGENCE FOR THE SECULAR THIRD ORDER OF ST. FRANCIS: It is granted to priests of the Secular Third Order of St. Francis.

Most Blessed Father, the priests of the Secular Third Order of St. Francis, having prostrated themselves in homage, humbly implore that, since certain impediments have prevented them from attending the Church or chapel on designated days to receive the Papal Blessing or the General Absolutions with the plenary Indulgence granted to the aforementioned Third Order, that they may be permitted to receive these, even if on a day that falls within the octave of a feast, so that they may not be blamelessly deprived of this spiritual benefit. And God, etc. By virtue of special faculties granted to it by the Most Holy Pope Leo XIII, the Holy Congregation for Indulgences and Sacred Relics...

[*Latin ed. p. 637*]

FROM THE SACRED CONGREGATION OF INDULGENCES, 637, a grant of indulgences is benignly approved, according to the prescribed conditions, with all other rights to be observed. Notwithstanding any contrary provisions. This grant is valid perpetually. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 11th of February, 1903. By A. CARD. TRIPEPI, Prefect.

THIRD ORDER OF SECULAR FRANCISCANS: A QUESTION REGARDING THE INTERRUPTION OF NOVICE PERIOD DUE TO THE TEMPORARY REMOVAL OF THE HABIT. The moderator of a certain Congregation of the Secular Third Order of Saint Francis proposed the following question to this Sacred Congregation for clarification: Is the novitiate of a Secular Third Order of Saint Francis interrupted if the novice, without dispensation, lays aside the habit, that is, the scapular and cincture, whether due to forgetfulness, negligence, or impossibility? Furthermore, the same Sacred Congregation, having heard the vote of the Consultors, decreed that the following answer should be given to the proposed question: Negatively, if it is due to forgetfulness or impossibility; but negatively also, if it is due to negligence, unless the will to retract from the profession in the aforementioned Order has not been declared. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 4th of March, 1903. By A. CARD. TRIPEPI, Prefect.

f FRANCISCUS SOGARO, Archpriest, Secretary.

FROM RATISBON: QUESTIONS REGARDING THE TRANSFER OF TERTIARIES AND THEIR MODERATORS FROM ONE OBEDIENCE TO ANOTHER. The Bishop of Ratisbon brought to the attention of this Sacred Congregation for Indulgences and Sacred Relics that the Secular Third Order of Saint Francis is widely spread in his diocese, especially during the times of the Sacred Missions, which are held promiscuously within

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the Franciscan family, that is, among the Friars Minor.

[*Latin ed. p. 638*]

638 FROM THE DECREE ON INDULGENCES of the Capuchin and Conventual Orders. This matter presents many occasions for doubt, especially concerning the reception of the Christian faithful into the aforementioned Orders and their profession. It frequently happens that a priest, holding the office of Director in a family of, for example, the Conventuals, is transferred to a place where a Congregation of the Tertiary Order of the Capuchins is established; in such a case, the doubt arises whether he can, in the same way, exercise the faculty granted to him by the Conventual family. Indeed, the Tertiaries themselves, who have been received into the habit and novitiate of one of the aforementioned families, sometimes move to another place where a different Franciscan family is found, distinct from the one to which they were admitted; can these Tertiaries validly make their profession with this family? Therefore, to resolve these doubts, the consulter proposed the following questions: 1. Whether the Christian faithful, who have been admitted to the novitiate of the Secular Third Order of St. Francis in a certain Congregation, which is under its jurisdiction, for example, the Capuchins, if they move to another place where a Congregation is located that is subject to the Minorites or the Conventual Friars, can validly make their profession there. 2. Whether a parish priest or any other priest, who has been granted the faculty, for example, by the Minorites, to admit Christian faithful into the Secular Third Order of St. Francis, if he moves to another place where a Congregation is located that is subject to the Capuchins, must again obtain the faculty to perform these acts, or whether he can exercise them as he was previously able to? The Holy Congregation, after hearing the opinion of the Moderators of the Franciscan families, regarding the questions proposed, decreed the following, to be observed in the future: 1. That novices of the Secular Third Order of St. Francis can validly make their profession in a Congregation of another obedience, or different from that in which they were admitted to the novitiate, provided that the convenience of these individuals is considered. 2. That professions can also validly be transferred from one Congregation to another of different obedience. 3. That a parish priest or any other priest who is the Moderator of a Congregation of the Tertiary Order, if he is transferred to another place where another Congregation of a different obedience is located, can continue to govern it without needing a new approval; he must, however, inform the Regular Visitor of this matter, so that he can continue to manage the affairs of the Congregation.

[*Latin ed. p. 639*]

FROM THE SACRED CONGREGATION OF INDULGENCES, 639. Given in Rome, from the Secretariat of the same Sacred Congregation, on

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the 4th of March, 1903.

A. CARD. TRIPEPI, Prefect.

L. S. f. FRANCISCUS SOGARO, Archbishop of Amiden, Secretary.

GERUNDENSIS. A QUESTION concerning the Indulgence of the Altar of Privilege.

Michael Camós, Chaplain and Confessor of the nuns of the Order of Cistercians of the Monastery of Santa Maria de Chatins, in the city of Gerona, and belonging to the diocese of Gerona, humbly requested the following solution to his doubts from this Sacred Congregation of Indulgences: "Whether the conventual Masses, celebrated on the feast days, on which private Masses for the Dead are permitted, can enjoy the Indulgence of the Altar of Privilege?"

The Sacred Congregation, having heard the vote of the Consultors, ordered that the following be answered: Affirmative.

Given in Rome, from the Secretariat of the same Sacred Congregation, on the 29th of April, 1903.

A. L. * CARD. TRIPEPI, Prefect.

S. f. FRANCISCUS SOGARO, Archbishop of Amiden, Secretary.

[*Latin ed. p. 640*]

640 FROM THE HOLY CONGREGATION FOR ECCLESIASTICAL AFFAIRS OF EXTRAORDINARY NATURE, A DECREE whereby the Bishop of Tlascala is granted the faculty of knowing and judging in a second instance causes, which have been judged in a first instance by the Tribunal of Antequera. From the Audience of His Holiness, on April 28, 1903. His Most Holy Lord, Pope Leo, by divine Providence, XIII, desiring to facilitate and expedite the ecclesiastical judicial proceedings of the Archdiocese of Antequera, at the request of the same Archbishop, and with the vote of the Bishops of Tehuantepec and Tlascala, granted to the Reverend Father Bishop of Tlascala, or Angelorum, necessary and opportune faculties, so that, by the delegated authority of the Apostolic See, he may know and judge in a second instance matrimonial cases and other causes of the ecclesiastical forum, which have been judged in a first instance by the Archbishop of Antequera, or, in the absence of the Archbishop, by the Capitular Vicar of the same Archdiocese, and which until today were known and judged in the same instance by the Bishop of Tehuantepec, observing, in the case of matrimonial causes, the constitution of Pope Benedict XIV, which begins "Dei Miseratione"; and that, in all cases, a special mention of the delegation of the Apostolic See be expressly stated in each document; and that, with respect to all the aforementioned causes, all other things prescribed by canon law be observed. Concerning which, the same Most Holy Lord ordered that this Decree be issued and recorded in the acts of the aforementioned Holy Congregation. Contrary things notwithstanding. Given at Rome, at

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the Secretariat of the same Holy Congregation, on the day, month, and year aforesaid. L. % S. -fPETER, ARCHBISHOP OF CAESARIEN, SECRETARY.

[*Latin ed. p. 641*]

641 ACTS OF THE ROMAN PONTIFF: LETTERS of the Most Holy Pope Leo XIII to His Eminence Cardinal Respighi, Vicar of the City, concerning the solemnities of the Pontifical Jubilee, now concluded.

LEO XIII, POPE. Beloved Son, Health and Apostolic Benediction. We acknowledge with gratitude the industry of that excellent group which contributed so greatly to the celebration of the solemnities of the Pontifical Jubilee, which, with God's favor, have had a splendid outcome. We are pleased that this confirms to Us the devotion and union which you foster for the Chair of Peter and for Our Person, and We desire to acknowledge that We are aware of your common efforts and studies. Furthermore, having commended your merits to the Lord, We testify to the good will of each of you. Concerning the work of the Lateran Basilica, since you intended it to be the most magnificent monument of Our Jubilee, We do not wish to be lacking in encouragement to you, and We desire and hope that you persevere in the projects you have undertaken. In the meantime, may the grace of Heaven and Our paternal Apostolic Benediction be with you and with each member of your group.

Given at Rome, near St. Peter's, on the sixteenth day of May, in the year 1903, the twenty-sixth of Our Pontificate.

LEO XIII, POPE.

To Our Beloved Son, Peter, of the title of the Most Holy Four Crowned Martyrs, of the Sacred Roman Church, Cardinal Respighi, Sacred Vicar of the Urban Prefecture, and Prefect of the solemnities for the Pontifical Jubilee.

Acts, Volume XXXV, page CDXIX, 41.

[*Latin ed. p. 642*]

642 LETTER Which the Most Holy Pope Leo XIII sent to His Eminence Cardinal Ferrari, Archbishop of Milan, and other prelates of the province. LEO XIII. Beloved Sons, Health and Apostolic Benediction. We have already read, with no small delight, the common letter which you and the other prelates of the Milanese province presented to Us, gathered in solemn assembly. For therein was contained both a clear demonstration of your diligent concern for the welfare of your Churches, and a steadfast obedience to the documents of the Roman Pontiff. And since you have announced that you are striving with all your might to ensure that the Christian people, cultivated in the precepts of divine wisdom, may become better each day, this constitutes the greatest part of the priestly

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office, and is highly pleasing to Us. Moreover, as the flock is more exposed to the incursions of wolves, so much greater diligence is required in preventing dangers and in providing a shepherd. And since it is certainly and manifestly true that the people are more influenced by the example of their pastors than by precepts, We wish above all to commend to you that you demonstrate yourselves to be, and to appear to be, holy, as We decreed last year concerning the proper instruction of the sacred students. For in this present war against the Catholic ministry, and in the general inflation, it is necessary to ensure that the clergy, composed of all the best qualities, may flourish in the Church as a verdant garden; to watch over them so that the priests themselves may be cultivated and may impart such virtues as Paul wished to offer to Titus: "In all things shew thyself an example of good works, in doctrine, in integrity, in gravity" (1). These are the most excellent duties of Bishops, which We embrace with a heart overflowing with affection. Therefore, trusting in God, continue in what you have begun: may your service bear fruit, under the auspices of the Apostolic Benediction, which We impart with paternal benevolence. Given at Rome, at St. Peter's, the [date].

(1) Titus 2:7.

[*Latin ed. p. 643*]

FROM THE ACTS OF THE CONSISTORY: To the venerable brothers and to the Christian flock, to whom we impart paternal concern. Given in Rome, at Saint Peter's, on the third day of June, in the twenty-sixth year of Our Pontificate. LEO XIII, POPE. To Our beloved son, Andrew, Titular Archbishop of Saint Anastasia, of the Sacred Roman Church, Cardinal Ferrari, Archbishop of Milan. FROM THE ACTS OF THE CONSISTORY: SECRET CONSISTORY. On the twenty-second of June, 1903, in the Vatican Apostolic Palace, the Most Holy Lord Pope Leo XIII held a Secret Consistory, in which the Most Eminent and Reverend Cardinal Franciscus de Paula Cassetta, having fulfilled his annual office as Chamberlain of the Sacred College of Cardinals of the Holy Roman Church, presented the customary report to the Supreme Pontiff, who deigned to entrust it to the Most Eminent and Reverend Cardinal Alexander Sanminiatelli Zabarella. Then, Holiness delivered the following address: ADDRESS OF HIS HOLINESS, Pope Leo XIII, given in the Consistory on the twenty-second of June, in the year 1903. Venerable Brothers, it is indeed most pleasing to Us that you, in this place of dignity, are present today. We wish that we could hear your words with equal gratitude. The past year has not been without its consolations. Indeed, it is customary for cares to be lessened, and for the spirit to be refreshed, when in sight of certain, undeniable testimonies of

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Christian faith and piety; such as...

[*Latin ed. p. 644*]

644 FROM THE ACTS OF THE CONSISTORY, it has been observed in recent months that many thousands of people have shown the greatest reverence and unwavering obedience to the Holy Father. These are pleasing memories and sources of hope; but you are not unaware of the many anxieties and concerns. We have often spoken to you about the difficult situation of the Catholic faith, and it is not irrelevant to repeat this now, even though the times are still too turbulent. However, we cannot fail to note that, as our thoughts are filled with astonishment, so too are Christians deeply moved by the fact that there are spirits hostile to Christian charity, which daily spread and grow ever wider in this age. Wisdom and discipline, transmitted by Jesus Christ the Redeemer to mortal men, seem to have aroused a certain ancient and stubborn aversion in the lives of men, not without a considerable decline in the virtues and the established customs of nations. Such a disposition of mind is clearly evident in the behavior of many, as well as in the laws publicly enacted, in philosophy, in the liberal arts, and even, it is not uncommon, in humanistic letters which are projected towards sacrilege. Therefore, as it were, a conspiracy has been formed to destroy Catholic institutions: and there are many who, whether privately or publicly, whether openly or secretly, whether with mildness or with open force, are working to undermine them. If God does not help, these are the plans that will surely come to pass. What good, what hope remains for those who, through Jesus Christ, have voluntarily rejected the benefits offered to them? Indeed, it is not within the power of men to deprive the human race of these benefits, except by frustrating the will of Almighty God; but they can certainly open the door and pave the way for great calamities, the cause of which is the peril to the eternal salvation of a vast multitude. Given these grave evils, if we are to avert them, refuge and protection must be sought in divine goodness. Above all, we must strive to persuade Jesus Christ to preserve the work accomplished on earth, that is, the work of redemption, and to ensure that His inheritance does not suffer any damage whatsoever. The common cause of all is at stake: therefore, all those everywhere who cherish the ancient faith and desire to be saved, must be encouraged to offer humble and fervent prayers. We, for our part, will ensure that nothing...

[*Latin ed. p. 645*]

FROM THE ACTS OF THE CONSISTORY: We pass over what seems conducive to salvation, and publicly declare what is decided, and we decree: and furthermore, we shall grant, placing our chief hope in Him to whose power all things belong. We must refer to you a matter concerning which the Church of Antioch of the Greeks, Melchites, requires a decision,

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and which, for the sake of expediency, should be settled today. This matter arose because its Patriarch, the venerable brother, Most Reverend Peter Geraigiri, was taken by death last year. Therefore, it was necessary for bishops of the same nation to convene in a Synod, according to ancient custom and established practice, in order to designate a successor. The Synod was held in the buildings of the Seminary of Ain-Traz. On the twenty-eighth day of June in the year 1902, with the consent of all present and with acclamation, they elected the Most Reverend Father Cyril Geha, Archbishop of Alep, as Patriarchal Vicar. Soon after, the suffragan bishops petitioned Us, so that We might properly confirm the elected Patriarch and bestow upon him the sacred honor of the Pallium. The same elect also petitioned, as is customary, after making a profession of the Catholic faith. We have delegated the entire matter, for its examination and to give an opinion, to the Sacred Congregation for propagating the Christian faith, which presides over the affairs of the Eastern rite, which, after careful consideration, deemed it advisable to grant the requests. It is evident that the Venerable Brother Cyril Geha is endowed with many and not commonplace virtues. He excels in varied learning, integrity of life, and sweetness of manner, and, in the opinion of his colleagues, the bishops, he flourishes greatly. His archiepiscopate of Alep has demonstrated his virtue and prudence; therefore, it is to be hoped that he will worthily fulfill the common expectation, even in a higher position. For these reasons, and in accordance with the opinion of the aforementioned Sacred Congregation, We have judged it fitting to confirm the Venerable Brother as Patriarch of the Melchite Greeks of Antioch, and to bestow upon him the Pallium, taken from the body of the Blessed Peter. Therefore, by the authority of Almighty God, and of the holy Apostles Peter and Paul, and Ourselves, We confirm and approve the election or petition made by the Venerable Brothers, the bishops of the Greek-Melchite rite, concerning the Venerable Brother Cyril Geha, and We appoint him, absolving him from the bond by which he was attached to the Church of Alep, as Patriarch of the Church of Antioch of the Melchite Greeks, as is stated in the decree.

[*Latin ed. p. 646*]

646 From the Consistorial Acts and Consistorial records, it is decreed, notwithstanding any contrary things whatsoever: In the name of the Father, and of the Son, and of the Holy Spirit. Amen. Furthermore, We have decreed to create and announce seven distinguished men as Cardinals of the Holy Roman Church, whom their respective virtues and the wise administration of various offices have clearly demonstrated to be worthy to be co-opted into your most august College. They are: CAROLUS NOCELLA, Patriarch of Constantinople, Secretary of the Sacred Consistorial Congregation; BENIAMINUS CAVICCHIONI, Archbishop *in partibus* of Nazianzus, Secretary of the Sacred Congregation of the

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Council; ANDREAS AIUTI, Archbishop *in partibus* of Tamiathensis, Apostolic Nuncio in Lusitania; EMYGDIUS TALIANI, Archbishop *in partibus* of Sebastensis, Apostolic Nuncio in the Austro-Hungarian Empire; SEBASTIANUS HERRERO Y ESPINOSA DE LOS MONTEROS, Archbishop of Valentinus; IOANNES KATSCHTHALER, Archbishop of Salisburgensis; UBERTUS ANTONIUS FISCHER, Archbishop of Coloniensis. What do you think? And therefore, with the authority of Almighty God, and of the holy Apostles Peter and Paul, We create and announce the following as Cardinals of the Holy Roman Church: CAROLUM NOCELLA, BENIAMINIUM CAVICCHIONI, ANDREAM AIUTI, EMYGDIUM TALIANI, SEBASTIANUM HERRERO Y ESPINOSA DE LOS MONTEROS, IOANNEM KATSCHTHALER, UBERTUM ANTONIUM FISCHER, with the dispensations, derogations, and clauses, necessary and opportune. In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

[*Latin ed. p. 647*]

FROM THE CONSISTORY ACTS 647. After this, the Most Reverend and Most Illustrious Cardinal Angelo Di Pietro, having relinquished the presbyteral titles of Saints Boniface and Alexis, and having chosen the title of Saint Lawrence in Lucina, proposed the following higher offices, as well as churches hitherto vacant: The cathedral churches of the suburbic vicariates of Porto and Santa Rufina, which are perpetually and canonically united, are vacant due to the death of the Most Reverend Cardinal Lucidi; in his place, the Most Reverend Cardinal Parocchi is appointed; previously, the Most Reverend and Most Illustrious Cardinal Vannutelli, Sub-Dean of the Sacred College, was the Bishop of Tusculum, but that see has been vacated. The office of Vice-Chancellor of His Holiness and Secretary for Apostolic Letters is vacant due to the death of the Most Reverend Cardinal Lucidi; in his place, the Most Reverend Cardinal Parocchi is appointed; previously, the Most Reverend and Most Illustrious Cardinal Agliardi, Bishop of Albano, was in office, to whom is granted the Basilica of Saint Lawrence in Damasus in commendam. The cathedral church of the suburbic vicariate of Tusculum is vacant due to the transfer, by option, of the Most Reverend Cardinal Vannutelli to the cathedral churches of Porto and Santa Rufina; in his place, the Most Reverend Cardinal Satolli, holding the titular presbyteral title of Saint Mary in Ara Coeli, is appointed, having relinquished that presbyteral title. The titular patriarchal church of Constantinople is vacant due to the promotion of the Reverend Father Charles Nocella to the dignity of Cardinal; in his place, the Reverend Father Joseph Ceppetelli, Archbishop of Myra and Vice-Legate in the City, is appointed. The titular archiepiscopal church of Ionia is vacant due to the death of the Most Reverend Raphael Sirolli, the last of that archiepiscopal rank to have died near the Roman curia; in his place, the Reverend Father Aloysius Lazareschi,

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titular Bishop of Neocaesarea, is appointed. The metropolitan church of Pisa is vacant due to the death of the Most Reverend Ferdinand Capponi, the last of that archiepiscopal rank to have died outside the Roman curia; in his place, the Reverend Father Peter Maffi, titular Bishop of Caesarea, is appointed. The titular archiepiscopal church of Heliopolis is vacant due to the death of the Most Reverend Guidon Corbelli, the last of that archiepiscopal rank to have died outside the Roman curia; in his place, the Reverend Father Robert Seton is appointed.

[*Latin ed. p. 648*]

648 FROM THE CONSISTORY ACTS: The Presbyterate of the Diocese of Nevarcensis, with the Apostolic Protonotary participating as if he were a member, and the Doctor of Sacred Theology of the Cathedral Church of Mazarien, are informed that the Cathedral Church of Serrarum is vacant, due to the promotion of the Reverend Father Caietano Quattrocchi to the titular Archiepiscopal Church; with the favor of the Reverend Father Nicholas Audino, Bishop of Lipara. The Cathedral Church of Tiritan is vacant, due to the death of the Most Reverend Theodosius Maria Gargiulo, the last of that diocese to have died outside the Roman Curia; with the favor of the Reverend Father Anthony DiTommaso, titular Bishop of Endoxia. The Cathedral Church of Tiburtin is vacant, due to the promotion of the Reverend Father Peter Monti to the titular Archiepiscopal Church of Antioch; with the favor of the Reverend Prosper Scaccia, a priest of the City of Plebis, a close chamberlain to His Holiness, a Doctor of both Laws, Rector, Professor of Canon Law and Sacred Theology in the Diocesan Seminary, Canon of the Cathedral Church, and General Vicar. The Cathedral Churches of Recineten and Lauretan, perpetually and canonically united with each other, are vacant, due to the death of the Most Reverend William Giustini, the last of those dioceses to have died outside the Roman Curia; with the favor of the Reverend Father Victor Amidei Ranuzzi De' Bianchi, a priest of Bologna, a domestic prelate of His Holiness, Primicerius in the Metropolitan Church of Bologna, and Counselor to the Apostolic Legation of Gaul. The Cathedral Church of Fidentin, or Burgi S. Donnini, is vacant, due to the death of the Most Reverend John Baptist Tescári, the last of that diocese to have died outside the Roman Curia; with the favor of the Reverend Father Peter Terroni, a priest of the Diocese of Apuania, a diocesan visitor, a synodal examiner, Rector and Professor of Sacred Theology in the Apuan Seminary, and Canon of the Archdiaconal Church. The Cathedral Church of Collen is vacant, due to the death of the Most Reverend Alexander Toti, the last of that diocese to have died outside the Roman Curia; with the favor of the Reverend Father Maximilian Novelli, a priest of the Archdiocese of Florence, a Doctor of Sacred Theology, General Vicar of Florence, and Canon of the Metropolitan Church. The Cathedral Church of Cariaten is vacant, due to the promotion of the Reverend Father

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Joseph Anthony Virdia to the titular Archiepiscopal Church of Nacolien; with the favor of the Reverend Father Lawrence Chieppa, a priest of Andria, a Doctor of Philosophy and of Sacred Theology.

[*Latin ed. p. 649*]

FROM THE CONSISTORY ACTS 649, concerning both jurisdictions, in the united dioceses of Ascoli and Cerignola, the Rectors and Vicars General. The Cathedral Church of Secusio is vacant, due to the death of the Most Reverend Edward Joseph Rosaz, the last of that diocese to die outside the Roman Curia; in his place, the Most Reverend Charles Marozio, Archpriest of the diocese of Vercelli, Doctor of Sacred Theology, Professor of Sacred Theology in the archdiocesan Seminary, and Canon Penitentiary in the Metropolitan Church. The Cathedral Church of Casale is vacant, due to the promotion to the titular archiepiscopal See of Melita of the Reverend Father Paul Mary Barone; in his place, the Reverend Lewis Gavotti, Priest of Genoa, Professor in the archiepiscopal Seminary, and Canon of honor in the Abbey Church of Saint Mary Immaculate. The Cathedral Church of Tricarico is vacant, due to the death of the Most Reverend Angel Michael Onorati, the last of that diocese to die outside the Roman Curia; in his place, the Reverend Anselm Pecci, of the Order of Saint Benedict, Priest of the Abbey of Cavensis of the Most Holy Trinity, there Prefect of Studies, Master of Novices, Prosynodal Examiner, Professor, Director of the convent and the religious family, and Dean. The Cathedral Church of Paci is vacant, due to the death of the Most Reverend John Previterra, the last of that diocese to die outside the Roman Curia; in his place, the Reverend Francis Mary Traina, Priest of the archdiocese of Palermo, Intimate of His Holiness's Supernumerary Chamber, Archpriest and Parochial Vicar of the place now called Castronovo di Sicilia. The Cathedral Church of Nicosia, or Herbet, is vacant, due to the death of the Most Reverend Bernard Cozzuelli, the last of that diocese to die outside the Roman Curia; in his place, the Reverend Ferdinand Fiandaca, Priest of the diocese of Caltanissetta, Doctor of Sacred Theology and Canon, Professor of Sacred Scripture, Canon Law, and Theology in the diocesan Seminary, Prosynodal Examiner, and Canon Theologian in the Cathedral Church. The Cathedral Church of Plati is vacant, due to the death of the Most Reverend Marian Palermo, the last of that diocese to die outside the Roman Curia; in his place, the Reverend Mary Sturzo, Priest of Calatayero, Prefect of Studies and Canon Professor in the diocesan Seminary, as well as Canon Primary in the Cathedral Church. The Cathedral Church of Lipari is vacant, due to the translation of the Reverend Father Nicholas Audino to the Cathedral See of Mazara; in his place, the Reverend Father Francis Mary Raiti, of the Order of Carmelites.

[*Latin ed. p. 650*]

650 FROM THE CONSISTORY ACTS: Priests of the diocese of Acireale,

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a Lecturer in Sacred Theology, a Definitor General in his Order, and a Penitentiary of the extraordinary jurisdiction in the Basilica of the Vatican. The Cathedral Church of the Queen of Hradec is vacant, due to the death of the Most Reverend Edward Brynych, the last of that diocese to serve in the extra-Roman curia; favored by the Reverend Joseph Doubrava, a priest of the archdiocese of Prague, a close confidant of His Holiness, a Doctor in Sacred Theology, a Synodical Examiner, a Counselor and Ecclesiastical Judge, and a Canon in the Metropolitan Church; and promoted to the titular church of the Sacred Caesarean Majesty Francis Joseph I, Emperor of Austria, King of Bohemia and Hungary, Apostolically. The titular episcopal church of Menphiten, under the Archbishop of Oxyrhynchus, is vacant, due to the death of the Most Reverend Joseph Barillari, the last of that diocese to serve in the extra-Roman curia; favored by the Reverend Salvatore Fratocchi, a priest of Rome, an Examiner of the clergy, the Archpriest-Parish Priest of the Collegiate Church of the Saints Celsus and Julian, and a delegate to the Auxiliary of the Most Reverend Dominic Bucchi, Bishop of Urbisvetani. Finally, after the doors of the hall were opened and the Eastern residents of Rome were admitted, the Reverend Cyril Magabgab, the Procurator of the new Patriarch of the Melkite Greeks, requested the sacred Pallium through the Consistorial Advocate; and, with the consent of the Supreme Pontiff, the Procurator expressed due thanks on behalf of the Patriarch and the nation of the Melkite Greeks. PUBLIC CONSISTORY. On June 25, 1903, a public Consistory was held in the royal hall of the Apostolic Palace of the Vatican, in which His Holiness Pope Leo XIII presented the red galero of the Cardinalate to the Most Reverend Cardinals Charles Nocella, Benjamin Cavicchioni, and Uberto Antonio Fischer, who were created and proclaimed in the secret Consistory immediately preceding, on June 22, 1903. During the interval, the Consistorial Advocate presented the cause for the Beatification and Canonization. After the blessing was imparted by the Supreme Pontiff, all the Cardinals went to the Sistine Chapel, where the Most Reverend...

[*Latin ed. p. 651*]

FROM THE ACTS OF THE CONSISTORY, 651. The Cardinal Sub-Dean repeated the prayer for the newly created Cardinals, who then all proceeded to the customary hall, to await the arrival of the Supreme Pontiff, for the secret Consistory.

SECRET CONSISTORY. On the same day, June 25, 1903, a secret Consistory was held, in which the Most Holy Father Leo XIII addressed the newly created and publicly announced Cardinals, and also proposed the following churches:

The titular Archiepiscopal Church of Mitylene, vacant due to the translation of the Most Reverend Father Emmanuel Vieira de Mattos to the Cathedral See of Egypt; favored by the Most Reverend Father Joseph Alves de

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Mattos, a priest of the Diocese of Coimbra, Domestic Prelate, General Vicar of the Most Reverend Patriarch of Lisbon, a Bachelor in Sacred Theology, and appointed to the aforementioned Church of Mitylene, in the suffragan Patriarchal Church of Lisbon, at the request of the Most Faithful Majesty of Charles, King of Portugal and Algarves.

The Cathedral Church of Pacen., vacant due to the death of the Most Reverend Raymond Torrijos y Gomez, the last of that episcopacy to have died outside the Roman Curia; favored by the Most Reverend Father Joseph Hevia y Campomanes, of the Order of Preachers, Bishop of Nueva Segovia, and translated to the aforementioned Church of Pacen., for presentation to the Most Serene King of the Catholics.

The Cathedral Church of Magno-Vardinen of the Latins, vacant due to the death of the Most Reverend Laurence, while still a Cardinal; the last of that episcopacy to have died outside the Roman Curia; favored by the Most Reverend Father Paul Szmrecsányi, Bishop of Scepusis, and translated to the aforementioned Church of Magno-Vardinen, by nomination of the Most Serene Majesty Francis Joseph I, Emperor of Austria, King of Bohemia and Hungary, and Apostle.

The Cathedral Church of Chartaginen., vacant due to the death of the Most Reverend Thomas Bryanet Livermore, the last of that episcopacy to have died outside the Roman Curia; favored by the Most Reverend Father Vincent Alonso y Salgado, of the Order of the Piarists, Bishop of Astorga, and translated to the aforementioned Church of Chartaginen., for presentation to the Most Serene King of the Catholics.

[*Latin ed. p. 652*]

652 FROM THE ACTS OF CONSISTORY: The Cathedral Church of Magno-Varadene, of the Ruthenian rite, Greek-Latin, is vacant, due to the death of the Most Reverend Michael Pavel, the last Bishop of that diocese, outside the Roman Curia; with the favor of the Most Reverend Demetrius Radu, Bishop of Lugos, he was transferred to the aforementioned Church, by the nomination of His Sacred Imperial Majesty Francis Joseph I, Emperor of Austria, King of Bohemia and Hungary, Apostolical. The Cathedral Church of Astorieen, is vacant, due to the transfer of the Most Reverend Vincent Alonso y Salgado to the Cathedral See of Carthage; with the favor of the Most Reverend Mariano Cidad Olmos, titular Bishop of Archelaïs, he was transferred to the same Aristocen Church, by the presentation of the Most Serene Catholic King. The Cathedral Church of Lugos, of the Greek-Ruthenian Catholic rite, is vacant, due to the transfer of the Most Reverend Demetrius Radu to the Cathedral See of Magno-Varadene; with the favor of the Reverend Basil Hosszu, a presbyter of the archdiocese of Fogaras, Domestic Prelate of His Holiness, Doctor of sacred theology and Canon of the Metropolitan Church; he was appointed prefect of the same Church, by the nomination of His Sacred Imperial Majesty

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Francis Joseph I, Emperor of Austria, King of Bohemia and Hungary, Apostolical. The Cathedral Church of Sinaolen, in the Republic of Mexico, is vacant, due to the transfer of the Most Reverend Joseph Arvaya to the Cathedral See of Chilap; with the favor of the Reverend Francis Uranga and Saenz, a presbyter of the diocese of Chihuahua, Chancellor in the ecclesiastical Curia, Canon of the Metropolitan Church, he was promoted to the same Sinaolen Church by Apostolic Letters in the form of a Brief. The titular Episcopal Church of Eudoxiaden, under the Archbishop of Pessinuntio, is vacant, due to the transfer of the Most Reverend Anthony Di Tommaso to the Cathedral See of Uritan; with the favor of the Reverend Richard Corteset Cullell, a presbyter of Barcelona, Doctor of sacred theology, Licentiate in both laws, Canon Penitentiary of the Cathedral Church, and, since His Holiness approved the vows of the Most Serene Catholic King Alphonse XIII, he was appointed as an Auxiliary to the Reverend Salvator S. R. E., titular of the Saints Quiricus and Julitta, Prefect, Cardinal Cassañaset Pages, Bishop of Barcelona. With these Apostolic acts preceding, His Holiness issued Letters in the form of a Brief concerning the churches previously mentioned: by

[*Latin ed. p. 653*]

FROM THE CONSISTORY ACTS 653: The Metropolitan Church of Colonia is vacant, due to the death of the Most Reverend Theophilus Uberti Simar, the last Archbishop of that See, who died outside the Roman Curia; favored by the Most Reverend Anthony Fischer, Bishop of Joliopolis, and elected or nominated by the Reverend Chapters and Canons of Colonia; now created Cardinal and publicly announced. The Titular Archiepiscopal Church of Aneyra is vacant, due to the translation of James Merizzi to the Titular Archiepiscopal Church of Mocissa; favored by the Most Reverend Julius Tonti, Archbishop of Port-au-Prince. The Titular Archiepiscopal Church of Nacolia is vacant, favored by the Most Reverend Joseph Anthony Virdia, of the Order of the Friars Minor Conventual, Bishop of Cariati. The Titular Archiepiscopal Church of Synnada is vacant, favored by the Most Reverend Henry Altmayer, of the Order of the Preachers, Archbishop of Babylon. The Metropolitan Church of Tuam in Ireland is vacant, favored by the Most Reverend John Healy, Bishop of Clonfert. The Titular Archiepiscopal Church of Melitene is vacant, due to the death of the Most Reverend Felix Mary de Nekere, the last Archbishop of that See who died outside the Roman Curia; favored by the Most Reverend Paul Mary Barone, Bishop of Casale Monferrato. The Titular Archiepiscopal Church of Ausitan is vacant, favored by the Most Reverend George Montgomery, Bishop of Monterey and Angelorum, and appointed as Coadjutor with future succession, the Most Reverend Patrick William Riordan, Archbishop of St. Francis in California. The Metropolitan Church of Glasgow is vacant, favored by the Most Reverend Aloysius

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Maguire, titular Bishop of Trocmada. The Metropolitan Church of New York is vacant, favored by the Most Reverend John Farley, titular Bishop of Zeugma. The Titular Archiepiscopal Church of Antioch in Pigia is vacant, due to the death of the Most Reverend Leopold Franchi, the last Archbishop of that See who died outside the Roman Curia; favored by the Most Reverend Peter Monti, Bishop of Tivoli, Apostolic Delegate to the Republic of Chile. The Metropolitan Church of Chicago is vacant, favored by the Most Reverend James Edward Quigley, Bishop of Buffalo. The Titular Archiepiscopal Church of Areopolis is vacant, favored by the Most Reverend Henry Moeller, Bishop of Columbus, and appointed as.

[*Latin ed. p. 654*]

654 FROM THE CONSISTORY ACTS: A Coadjutor with succession to the Most Reverend Father William Henry Eider, Archbishop of Cincinnati. The Church of Vancouver, recently elevated to the metropolitan rank by His Holiness, with the favor of the Most Reverend Father Orth, Bishop of that same See. The Archiepiscopal Church of Babylon of the Latins, with the favor of the Reverend Father John Drure, of the Order of Discalced Carmelites, a priest of the diocese of Autun. The Archiepiscopal Church of Mardin of the Armenians, with the favor of the Reverend Father Hussigh Gulian, of the same rite. The Archiepiscopal Church of Aleppo, or Berocen, of the Armenians, with the favor of the Reverend Father Augustine Sayegh, of the same rite. The titular Archiepiscopal Church of Stauropolis is vacant, due to the death of the Most Reverend Aurelius Zonghi, the last of that Archiepiscopal See outside the Roman Curia; with the favor of the Reverend Father John Baptist Guidi, a priest of the diocese of Alatri, Apostolic Delegate in the Philippine Islands. The titular Archiepiscopal Church of Nisibin, with the favor of the Reverend Father Hormisdae Gibri, of the Chaldean rite. The Cathedral Church of Egypt is vacant, due to the death of the Most Reverend Father Thomas Gomes de Almeida, the last of that Episcopate outside the Roman Curia; with the favor of the Most Reverend Father Emmanuel Vieira de Mattos, titular Archbishop of Mytilene, translated to the aforementioned Egyptian Church. The Cathedral Church of Sandomir is vacant, due to the death of the Most Reverend Father Anthony Francis Xavier Sotkiewicz, the last of that Episcopate outside the Roman Curia; with the favor of the Reverend Father Stephen Alexander Zwierowicz, Bishop of Vilna. The Cathedral Church of Chilapa in the Republic of Mexico is vacant, due to the translation of the Reverend Father Joseph Raymond Ibarra to the Cathedral See of Tlascala; with the favor of the Reverend Father Joseph Homoboni Anaya, Bishop of Sinaloa. The Cathedral Church of Comaclen is vacant, due to the death of the Most Reverend Father Tullius Sericei, the last of that Episcopate outside the Roman Curia; with the favor of the Reverend Father Alphonsi Archi, titular Bishop of Gaza. The Cathedral Church of Monterey and Angelorum, with the favor

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of the Reverend Father Thomas James Conaty, titular Bishop of Sami. The Cathedral Church of Caiacen, or Calatin, with the favor of the Reverend Father Frederick De Martino, titular Bishop of Hephaestia.

[*Latin ed. p. 655*]

FROM THE ACTS OF THE CONSISTORY:

The Cathedral Church of Neocastle is vacant, due to the promotion of Reverend Father Dominic Mary Valensise to the titular Archiepiscopal Church of Oxyrhynchus; favored by Reverend Father John Regine, a priest of the Isclana diocese, Doctor of Sacred Theology, Rector of the diocesan seminary, and Archpresbyter Canon in the Cathedral Church.

The Cathedral Church of Aprutae, or Thermae, is favored by Reverend Father Alexander Benjamin Zanecchia-Ginnetti, of the Order of Discalced Carmelites, titular Bishop of Hierocaesarea.

The Cathedral Church of Alatrium is vacant, due to the death of the Most Reverend Father Francis Giordani, the last of that diocese to have died outside the Roman curia; favored by Reverend Father Benedict Spila, of the Order of Minor Friars, a priest of Subiaco, and Rector of the royal Convent of Saint Clare in Naples.

The Cathedral Church of Galttelline-Noren is vacant, due to the death of the Most Reverend Father Salvatore Angel Demartis, the last of that diocese to have died outside the Roman curia; favored by Reverend Father Luke Canepa, a priest of Cagliari, Doctor in both Canon and Civil Law, General Vicar and Doctoral Canon in the Metropolitan Church.

The Cathedral Church of Pharen in Dalmatia is favored by Reverend Father Giordani Zaninovic, of the Order of Preachers, a diocesan priest, Lecturer in Sacred Theology, Prosynodal Examiner, Episcopal Counselor, and Provincial Minister in Dalmatia.

The Cathedral Church of Clonferten is favored by Reverend Father Thomas O'Dea, Rector of the diocesan college.

The Cathedral Church of Colima, in the Republic of Mexico in North America, is vacant, due to the promotion of Reverend Father Athenogenes Silva to the Metropolitan See of Mechoacan; favored by Reverend Father Joseph Amator Velasco, a priest of the Colima diocese, Doctor of Sacred Theology, and Capital Vicar of Colima.

The Cathedral Church of Tehuantepec in the Republic of Mexico in North America, is vacant, due to the translation of Reverend Father Joseph Mora to the Cathedral See of Tulancingo; favored by Reverend Father Charles of Jesus Mejia, of the Congregation of the Mission, a priest of the diocese of Iabapa, or of the True Cross, Doctor of Sacred Theology, and Rector of the diocesan seminary.

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The Cathedral Church of Sonora, in the Republic of Mexico in North America, is vacant, due to the death of the Most Reverend Father Herculanus Lopez, the last of that diocese to have died outside the Roman curia; favored by Reverend Father Ignatius Valdespino and Diaz, a priest of the archdiocese.

[*Latin ed. p. 656*]

656 FROM THE CONSISTORY ACTS, the following: The Canon of the Metropolitan Church of Durango, and the Archdiocesan Notary. The Cathedral Church of Santa Elizabeth, in the Philippine Islands, is vacant, by the free resignation of the Reverend Father Andrew Ferrer; with the favor of the Reverend Father Frederick Rooker, a Priest of New York, Doctor of Philosophy and Sacred Theology, Secretary to the Apostolic Delegation in the United States of North America. The Cathedral Church of Nueva Segovia, in the Philippine Islands, is vacant, by the free resignation of the Reverend Father Joseph Hevia Campomanes; with the favor of the Reverend Father Dionysius Daugherty, a Priest of the Philadelphia Archdiocese, Doctor of Sacred Theology, Professor at the Seminary of Philadelphia, Fiscal Promoter in the Curia, and Synodal Examiner. The Cathedral Church of Buffalo, with the favor of the Reverend Father Charles Colton, a Priest of the Metropolitan See of New York, Rector of the Church of St. Stephen, Chancellor, and Archdiocesan Consultor. The Cathedral Church of Coimbatore, with the favor of the Reverend Father James Dionysius, a Priest of the Tarbena Diocese, from the Seminary of Foreign Missions of Paris. The Cathedral Church of Cheyenne, with the favor of the Reverend Father James John Keane, Rector of the Diocesan Church of the Immaculate Conception. The Cathedral Church of Erzrum, of the Armenian Rite, with the favor of the Reverend Father Stephen Apikian, of the same Rite. The Cathedral Church of Serin, of the Chaldean Rite, with the favor of the Reverend Father Addai Ibrahime, of the same Rite. The Cathedral Church of De Mixtecas, in the Republic of Mexico, is vacant, having been raised to the status of a Cathedral by Apostolic Letters most excellently executed, and was vacant in its original erection; with the favor of the Reverend Father Raphael Amador, a Priest of the Angelopolis Diocese, Doctor of Sacred Theology, Parish Priest, and Vicarious Forane in that city of Huajuapan. The Cathedral Church of Ibaguen, in the Republic of Colombia, is vacant, having been raised to the status of a Cathedral by a Consistory Decree beginning with the words "Cum legitimae causae," issued on May 20, 1900, and was vacant in its original erection; with the favor of the Reverend Father Ismael Perdomo, a Priest of the Garzón Diocese, Doctor of Sacred Theology, and President of the Clerical Seminary. The Cathedral Church of Leadon, recently raised to the status of a Cathedral by His Holiness, with the favor of the Reverend

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Father John.

[*Latin ed. p. 657*]

FROM THE CONSISTORY ACTS 657. Starika, General Vicar and Counselor of the archdiocese of St. Paul of Minnesota. The Cathedral Church of Baker-City, recently elevated to the dignity of a cathedral by His Holiness, favored by the Reverend Charles O'Reilly, Rector of St. Mary's in the diocese. The titular Episcopal Church of Panemotichos, favored by the Reverend John Claude Bouchut, priest of the archdiocese of Lyons (Down and Connor), professor at the Seminary of Foreign Missions of Paris, at the Seminary of the Immaculate Conception, and delegate to the Apostolic Vicar of Cambodia. The titular Episcopal Church of Paralaia, favored by the Reverend Joseph Lang, priest of the diocese of Transburg, from the Lyonnese Seminary for missions in Africa, and delegate to the Apostolic Vicar of Benin. The titular Episcopal Church of Ostraea, favored by Father Cassian Spiss, a Benedictine of the Congregation of St. Ottilia for foreign missions, and delegate to the Apostolic Vicar of Southern Zanzibar. The titular Episcopal Church of Palten, favored by Father Ephrem Giesen, of the Order of Minor Friars, of the diocese of Amsterdam, and delegate to the Apostolic Vicar of Northern Chan-Tony in the Chinese Empire. The titular Episcopal Church of Zeugma, favored by Father Libert Boeynaems, of the Congregation of the Sacred Hearts, of the diocese of Mechlin, and delegate to the Apostolic Vicar of the Sandwich Islands. The titular Episcopal Church of Sabrata, favored by the Reverend Francis Regis Canevin, priest of the diocese of Pittsburgh, and delegate to the Coadjutor with future succession, the Reverend Richard Phelan, Bishop of Pittsburgh. The titular Episcopal Church of Solorum, favored by the Reverend Patrick Joseph O'Connor, priest of the diocese of Armidale, General Vicar, and delegate to the Coadjutor with future succession, the Reverend Elzear Torregiani, Bishop of Armidale. The titular Episcopal Church of Famagusta, under the Metropolitan of Nicosia, vacant, due to the death of the Most Reverend Angel Maria Meraviglia Mantegazza, the last of that diocese outside the Roman curia; favored by the Reverend Frederick Sala, priest of the archdiocese of Milan, Apostolic Protonotary (Acts, Vol. XXXV, page CDXIX, 42).

[*Latin ed. p. 658*]

658 FROM THE ACTS OF THE CONSISTORY, participants. Doctor of Sacred Theology. President of the Pontifical Theological Faculty, Canon of the Archpresbytery of the Metropolitan Church, and nominee as Auxiliary Bishop to the Most Reverend and Reverend Lord Andrea Caroli, with the title of Saint Anastasia, of the Sacred Roman Church, Priest, Cardinal, Archbishop of Milan. The titular episcopal church of Asealon, under the Caesarean Archbishop, is vacant, through the translation of the Reverend

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Father Doctor John Regine to the Cathedral See of Neocastle; with the favor of the Reverend Isidore Badia and Serradell, a priest of the diocese of Uxell, Doctor of Sacred Theology and Canon Law, and nominee as Auxiliary Bishop to the Most Reverend and Reverend Lord Cyriacus Mary, of the Sacred Roman Church, with the title of Saint Peter in Monte Aureo, Priest, Cardinal, Archbishop of Toledo, with the marked favor shown to this matter by the Most Serene Catholic King Alphonse XIII. The titular episcopal church of Sarepta, under the Tyrian Archbishop, is vacant, through the death of the Very Reverend and Most Reverend Father Philip Genovese, the last of that episcopal see to have been in the Roman Curia; with the favor of the Reverend Joseph Mulier, a priest of the archdiocese of Cologne, Canon Dean of the Metropolitan Church, and nominee as Auxiliary Bishop to the Reverend Father Doctor Anthony Fischer, Archbishop of Cologne, and recently a Cardinal. The titular episcopal church of Carpasia, under the Salminian Archbishop, is vacant, through the death of the Very Reverend and Most Reverend Father Stephen Scarella, the last of that episcopal see to have been in the Roman Curia; with the favor of the Reverend Alexander Parvy, a priest of the archdiocese of Agri, Doctor of Sacred Theology, President of the Juridical Academy, Canon of the Metropolitan Church, Abbot of Saint Giles near Felnémeth, and nominee as Auxiliary Bishop to the Reverend Father Doctor Joseph Samassa, Archbishop of Agri. The titular episcopal church of Eumaussus, with the favor of the Reverend Algernon Caroli Stanley, Apostolic Protonotary, in the manner of participants, and nominee as Auxiliary Bishop to Westmonaster. The titular episcopal church of Hierocaesarea, under the Sardinian Archbishop, is vacant, through the translation of the Reverend Father Benjamin Alexander Zanecchia-Ginetti to the Cathedral See of Aprut; with the favor of the Reverend Joseph Astuni, a priest of the diocese of Castrimaris, Apostolic Protonotary, in the manner of participants, General Vicar, Canon of the Archdiaconal Church. The titular episcopal church of Taboren, with the favor of the Reverend Eugene Manna, of the Chaldean rite, Patriarchal Vicar in Van.

[*Latin ed. p. 659*]

FROM THE CONSISTORY ACTS 659: The Abbey of the Most Blessed Virgin of Maris-Stella and the Priory of the Most Blessed Virgin of Augia-Maiore, located in Switzerland and Austria and canonically united with each other, are vacant, following the death of Father Augustine Stoeckli, the last Abbot, respectively, Prior, outside the Roman Curia; with the favor of Reverend Father Eugenius Notz, a Priest of the Cistercian Order and expressly professed, of the Diocese of Rottemburg, Abbotical Counselor and Pro-Prior of the aforementioned Monastery, elected by the Reverend Fathers, Chapter, and Monks in the Monastery of the Most Blessed Virgin of Augia-Maiore. After these matters, Holiness, according to custom, addressed the newly created and Reverend Cardinals Nocella, Cavicchioni,

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and Fischer. Then, a petition was made to Holiness concerning the granting of the Pallium for the Metropolitan Churches of Pisa, Tuamense, Glasgow, Neo-Eboriense, Chicago, Vancouver, and Babylonensi of the Latins, as well as for the Metropolitan Church of Caseli, having completed its coadjutorship. Finally, Holiness placed the ring of the Cardinalate upon the aforementioned Cardinals, assigning to the Reverend Nocella the presbyteral title of Saints Boniface and Alexis, to the Reverend Cavicchioni, the title of Saint Mary in Aracoeli, and to the Reverend Fischer, the titles of Saints Nereus and Achilles.

SECRETARY'S BULLETIN: The Shrine of Genestanum, dedicated to the Most Blessed Virgin Mary, with the title "Mother of Good Counsel," is raised to the dignity of a Minor Basilica. The sacred places dedicated to God in honor of the Virgin Mother, which are called Shrines, which the Divine Providence wished to enrich with its most beloved counsel in the regions of Italy, deserve to be venerated, and that of Genestanum in Latium, within the boundaries of the Diocese of Praenestina, is called by the very Mother of God, Mary, Mother of Good Counsel. In the fourteenth century, that temple was erected and, in subsequent times, restored with greater form and new works; it is known to the Monks who follow Saint Augustine, the lawgiver; and with the addition of days of devotion.

*) Cf. the Decree "Of the City and the World" of April 22, 1903, reported in this very volume, page 627.

[*Latin ed. p. 660*]

660 FROM THE SECRETARY OF BREVES, with piety towards the Virgin Mother, whose beautiful Image, bearing the same name of the Good Counsel, was, as is reported, brought there from Scodra, and is there religiously and generously venerated, not only by the inhabitants and neighboring peoples, but also by numerous pilgrims from distant regions, who hasten there to seek the help of the Heavenly Mother, or to give thanks for benefits received. This sacred edifice, distinguished by its beauty of structure and its exquisite works of art, has been richly endowed by Our Predecessors, notably the blessed Pope Pius IX, and by Ourselves, and has been enriched with special benefits. Indeed, We have desired to honor the devotees of the Mother of Good Counsel with a new feast, the Feast of the Apparition of the Image of the same Divine Mother, to be observed by the Order of the Eremites of St. Augustine and by many churches, and, in order to provide for the comfort of visiting priests for many years to come, We have diligently sought to expand the accommodations within the monastery, which contains the temple. Considering all these things, the esteemed Brother Thomas Rodríguez, General Superior of the Coenobitic Family of St. Augustine, humbly presented petitions to Us, desiring that the Marian temple of Genestanum be raised to the dignity of a Minor Basilica. To these supplications, the Venerable Brother Vincent, Our Cardinal Vannutelli, of the

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Sacred Roman Church, Bishop of Praenestinus, by Apostolic dispensation, added his own, who, from his earliest years, has shown devotion to the Virgin of Good Counsel, since he was born in Genestanum, and who, for the aforementioned sacred edifice, which is one of the four parish churches of that town, requested the title and honor of a Minor Basilica from Us. Wherefore, after also consulting the opinion of the Cardinal Prefect of the Congregation of Sacred Rites, by Our Apostolic authority, in the presence of these documents, We hereby honor the temple of Genestanum, which is one of the four parish churches of that town, with the title of Minor Basilica, in honor of the Blessed Virgin Mary, Mother of Good Counsel, and We include it among those, with all the privileges and honors that are attributed to or rightfully belong to Minor Basilicas of the Eternal City, without, however, making any change in the hierarchical order or the rights of the other three parish churches. We decree that these present Letters shall always exist and remain valid and effective, and shall produce and obtain their full and complete effects, from this moment forward.

[*Latin ed. p. 661*]

From the Secret Briefs, number 661, and for all time, it shall fully and completely support; and thus, in the matters mentioned herein, it shall be judged and determined by all ordinary and delegated judges, and it shall be null and void if, concerning these matters, anything should happen to be attempted in any way, knowingly or unknowingly, contrary to this. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the seal of the Fisherman, on the seventeenth day of March, in the year 1903, in the twenty-sixth year of Our Pontificate. L. "S. ALOIS. CARD. MACCHI."

The Parish Church of Saint Bartholomew the Apostle and Saint Michael the Archangel in Valencia is raised to the rank of Collegiate Church. Following in the footsteps of Our Predecessors, the Roman Pontiffs, we strive to increase the venerable memories, and to enhance the singular honor of this place with suitable titles. Therefore, we have decided that the parish church located in Valencia should be elevated in rank and title to the Church of Saint Bartholomew the Apostle and Saint Michael the Archangel. For, in this very place, the most ancient temple of the Holy Sepulchre of Our Lord Jesus Christ was founded by the Emperor Constantine the Great, and Valencia was received into the service of the Moors, and in the year 1338, by King James I of Aragon, it was entrusted to the Military Order of the Holy Sepulchre, and subsequently, from this Holy Apostolic See, it was enriched with privileges and with the title of Basilica. In the same place, there was and now there is, and there will be, a Curial Church. This was the beginning. The Canons of the Military Order of the Holy Sepulchre had their residence there; later, under the title of the Curial Church of Saint Bartholomew, as the years passed, it passed into the jurisdiction of

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the secular clergy. Now, however, our beloved son, Raymond Leonard y Olmose, a professed member of the Holy Order of the Military Order of the Holy Sepulchre of Jerusalem, on behalf of the entire Chapter of the City and Province of Valencia, has humbly presented to us his prayers, supported by the grave suffragium of the Bishop of Valencia, so that, since he and those with him are rightly incorporated into the clergy of that parish, we may, with our benevolence, raise that church, with its most illustrious names, to the rank of Collegiate.

[*Latin ed. p. 662*]

662 FROM THE SECRETARY OF BREVES, the illustrious seal of that temple, we grant our pious approval to the memories and votives offered, and we decree what we have deemed fitting.

Therefore, all and each [person], to whom these letters are favorable, and who, by any means, may have incurred excommunication, suspension, and interdict, or other ecclesiastical sentences, censures, and penalties, if any such have occurred, shall be absolved by the grace of this decree, and shall be considered absolved, so that the splendor of the divine cult may shine forth, and the dignity of that Military Order may be amplified. We hereby, by Our Apostolic authority, elevate the parish church dedicated to the Most Holy Apostles Bartholomew and Michael the Archangel, in the City of Valentinae, to the honorary dignity of a Collegiate Church. This is granted, however, under the condition that the parochial rights and jurisdiction remain intact, and that the exercise of ministry in the same parish church shall continue freely.

We decree that these present letters shall be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and shall fully suffice for those to whom they pertain, and in the future shall pertain, in all things and through all things. And so, in the aforementioned matters, it shall be necessary for all judges, ordinary and delegated, to judge and define, and it shall be null and void if, through any authority, knowingly or unknowingly, anything should happen to contradict these. This is without prejudice to the Apostolic Constitutions and Ordinances, nor to the statutes and other provisions, even those deserving of special and individual mention and derogation, which may be in contradiction.

Given at Rome, at St. Peter's, under the Fisherman's ring, on the fourth day of May, in the year 1903, in the twenty-sixth year of Our Pontificate.

L. * S. A. CARD. MACCHI.

[*Latin ed. p. 663*]

ACTS OF THE ROMAN CONGREGATIONS: DECREE FROM THE HOLY CONGREGATION OF BISHOPS AND REGULAR CANONS

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concerning the approval of the Institute of "Handmaids of the Conception of the Divine Heart of Jesus," and also of its Constitutions. In the year of Our Lord 1885, under the auspices of the Reverend Father D. Marcelo Spinola and Maestro, now Archbishop of Hispalis, the Institute of Sisters arose, which is commonly known as "Handmaids of the Conception of the Divine Heart of Jesus." These Sisters propose to themselves a particular end, namely, first, their own sanctification, through the observance of the vows of obedience, poverty, and chastity, and a certain rule of life prescribed in their Constitutions; and second, the pious and educational instruction of young girls, especially the poor, to which they diligently dedicate themselves. All of them lead a perfectly common life under the governance of a General Mother Superior, and with a proper novitiate, after having renewed their vows three times, first temporarily, and then perpetually, in a simple manner. Several houses have already been canonically established within the Institute, both in the Archdiocese of Hispalis, where the principal house is located, and in the Diocese of Malaca. And since the Sisters have been established, with the favor of divine grace, they have emitted a good fragrance, and have brought forth a plentiful harvest, for the glory of God and the salvation of souls. When the General Mother Superior of all the Sisters, in the name of the Most Reverend N. Leoni, recently humbly supplicated His Holiness Pope Pius XIII to deign to approve the aforementioned Institute and its Constitutions with Apostolic authority, the Archbishops of Hispalis and Malaca, in letters sent, did not hesitate to commend this petition most earnestly. Therefore, His Holiness, having maturely considered the matter, and having taken into account the aforementioned letters of commendation from the aforementioned Archbishops, after hearing the undersigned Cardinal Prefect of the Holy Congregation of Bishops and Regular Canons, on the 25th of January, 1902, decreed as follows:

[*Latin ed. p. 664*]

664 From the Decrees of the Holy See, Episcopal and Regular, it is known that the Congregation of Vows has been established, under the governance of a General Mother Superior, with its own Constitutions, and that it has been deemed worthy of approval and confirmation; and, as is stated in the present decree, it approves and confirms, always subject to the jurisdiction of the Ordinaries, in accordance with the Holy Canons and the Apostolic Constitutions. Given in Rome, from the Secretariat of the Sacred Congregation of Bishops and Regulars, on the 1st of February, 1902. Fr. L. * H. M. CARD. GOTTI, Prefect. S. A. BUDINI, Subsecretary. DOUBT concerning admission to solemn vows, with a period of three years not yet completed. On behalf of several Superiors of Religious Orders, a doubt is presented to the Sacred Congregation concerning the admission to solemn vows, when a period of three years has not yet been completed. Since, according to com-

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mon law, the Superior, when a candidate for solemn vows has completed three years, must inquire of the Chapter's merely consultative vote, which is in no way decisive (the Chapter being convened only for the admission to simple vows), the following questions are raised concerning a period of three years not yet completed, but shortened by an Apostolic dispensation: 1°. Whether, due to the shortening of time by an Apostolic dispensation, the consultative vote of the Chapter is transformed into a decisive vote? 2°. Whether the Superior must inquire of the Chapter's vote (whether consultative or decisive) before petitioning for the grace, or after the grace has been obtained? 3°. Whether it is necessary to follow the common practice, whereby the Superior, after requesting the dispensation, inquires of the Chapter's merely consultative vote, noting, however, that in the same petition, the Chapter's judgment regarding the person of the candidate is equal, so that, after obtaining the Holy See's dispensation, another vote is requested? The Sacred Congregation of Bishops and Regulars, to which the affairs and consultations of the Cardinals of the Holy Roman Church, Bishops, and Regulars are entrusted, having carefully considered the matters proposed, responds to the doubts as follows:

[*Latin ed. p. 665*]

From the Most Holy Congregation, and from the Second [Session], it is granted, affirmative. In Rome, the EPISCOPAL and REGULAR Tribunal, number 665, in the third [section], from the Secretariat of the same Most Holy Congregation, on the 26th of January, 1903. His Eminence, CARDINAL FERRATA, Prefect. L.* S. PHIL. GIUSTINI, Secretary. DECREE of the approval of the Society of Missionaries called "of Saint Joseph," and also of the Constitutions, for a time, as a trial. The Most Holy Lord Pope Leo, by Divine Providence, PP. XIII, having considered the salutary fruits which the Society of Missionaries of Saint Joseph, whose principal house is in the Mexican state, has produced, and having especially considered the commendatory letters of the local Ordinaries, in which the houses of this same Society are found, and also the Eminence of the Most Reverend Joseph Calasanctius, Servant of God, Cardinal Vivesy Tuto, Protector, in an audience held by the undersigned Cardinal, Prefect of the Most Holy Congregation of Bishops and Regulars, on the 28th of April, 1903, He deigned to approve and confirm the aforementioned Society, which is already most highly praised and commended, as a Congregation of religious of simple vows, under the governance of a General Moderator; furthermore, He benignly approved and confirmed the Constitutions of the aforementioned Society, as they are contained in this exemplar, whose autograph is preserved in the archives of the Most Holy Congregation of Bishops and Regulars, for a period of seven years, as a trial; therefore, by the tenor of the present decree, both the aforementioned Society and its Constitutions are respectively approved and confirmed, with due regard for the jurisdiction

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of the Ordinaries, according to the Holy Canons and the Apostolic Constitutions. Given in Rome, in the Secretariat of the aforementioned Most Holy Congregation of Bishops and Regulars, on the 27th of April, 1903. His Eminence, CARDINAL FERRATA, Prefect. L.* S. PHIL. GIUSTINI, Secretary.

[*Latin ed. p. 666*]

666 FROM THE SUPREME EPISCOPAL AND REGULAR CANONICAL TRIBUNAL. On April 14, 1903, the Sacred Congregation of Bishops and Regulars was held in the Apostolic Palace at the Vatican, in which, among other things, the following questions were proposed, according to the custom of the same Sacred Congregation, for legal discussion; and which were resolved as follows. I. FROM IMOLA. — JURISDICTIONAL PATRONAGE. *) 1.° Whether the decree of the Bishop of Imola, dated January 30, 1902, should be confirmed or annulled in this case; and to the extent that it should be affirmed with respect to the second part and denied with respect to the first part; 2.° Whether the Brotherhood of St. Onuphrius pertains, independently of any active or passive right of the Malerbi family, to the right of appointing its own chaplain in this case. 3.° Whether the aforementioned Brotherhood exclusively has the right to appoint a Cleric as custodian. 4.° Whether the Brotherhood can dispose of the remaining rooms for the housing of the custodian and his family; or whether it must assign them to the chaplain. RESPONSES. R. Ad 1. Affirmative with respect to the first part, that is, the decree should be confirmed according to the following terms: Ad 2. Affirmative: it is also fitting that, in the event of a vacancy, if a priest from the Malerbi family is present, the Brothers, all other things being equal, should prefer him. Ad 3. It is pleasing to the Congregation and in accordance with its intention; the intention is: that the appointment of the Cleric as custodian should be made by common agreement between the Brotherhood and the chaplain, and in the event of disagreement, the Bishop should provide a solution. *) The discussion of this case will be referred to in another volume.

[*Latin ed. p. 667*]

FROM THE MOST HOLY CANON AND ROYAL LAWS, 667, paragraph 4: The Bishop shall arrange the rights of both parties in a just and equitable manner.

II. SAN MINIATO. – BURDEN. Question: Whether and how the decree of the Curia of San Miniato of May 15, 1902, should be confirmed or annulled in this case. Answer: The decree is not to be upheld.

III. TURIN. – JURISDICTIONAL PATRONAGE (under seal). Answer: Postponed.

No. II. SAN MINIATO – BURDEN. April 24, 1903. Summary of the case: On May 3, 1780, Countess Joanna De Castaldi, widow of Count Francis Del Testa, established a perpetual benefice in the public oratory of the Most

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Holy Name of Mary and Saint Ranier, located near her estate, commonly called Belvedere, within the boundaries of the parish of Crespino, in the diocese of San Miniato. The foundation charter (article 7) stipulates: "that the chaplain, for the time being, shall apply and celebrate Mass daily in the oratory, either personally or through another; also (article 8) that each year, the feast of the Most Holy Name of Mary shall be celebrated with great solemnity; and also that on all other festive days, the Gospel and catechesis shall be explained, either by himself or by another, and that the Way of the Cross shall not be omitted, and that sacred processions granted by the Diocesan Ordinaries shall be led, etc.; and that (article 9) the aforementioned oratory shall be entirely dedicated to the spiritual good of the people."

[*Latin ed. p. 668*]

668 From the Decrees of Bishops and Religious; finally (article 10), that the right of patronage active of this Chapel belongs to the heirs of the foundresses, or to that person or persons to whom the Countess herself would transfer that right, either during her lifetime or by a last will and testament; and also, for the same reason, it pertains to the Archbishop of Pisa for the time being; but so that, if the male heirs are lacking and extinct, the right of patronage and the designation shall entirely and perpetually belong to the Archbishop of Pisa for the time being. Meanwhile, concerning the rights and obligations of the chaplain of the place now called Belvedere, a dispute arose between the chaplain himself, Torquato Grifoni, and Francalanci, the Prefect of the parish commonly called Crespino. The cause presented was to settle with the Curia of San Miniato, which on May 15, 1902, among other things, decreed: "The chaplain of the village commonly called Belvedere, with regard to assistance to the sick, shall be assisted by two parish priests of the places of Crespino and Tripalle, and also on feast days he must participate in the services at the parish church of the place of Crespino, as established by the Sacred Canons and especially by the diocesan Synod." From this decree, the chaplain of the Oratory of the Most Holy Name of Mary appealed to the Holy See. Therefore, the cause is presented to this Sacred Congregation for definition, under the formula of inquiry: "Whether and how the decree of the Curia of San Miniato of May 15, 1902, should be confirmed or annulled in this case."

DEFENSE OF THE CURIA

The Curia of San Miniato endeavors to defend its judgment, and therefore the aforementioned obligation of the chaplain of the Oratory of the Most Holy Name of Mary, with several arguments. Firstly, it refers to the words of the cited article 9 of the foundation. Then, it strives to demonstrate the constant practice of parochial service, rendered by all chaplains of the

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place now called Belvedere. For, says the Curia, this is testified to by two witnesses.

[*Latin ed. p. 669*]

From the Decrees, Epistles, and Regulations, number 669, namely Leopoldus Donati, aged 53, and Attilius Casati, aged 43, of the place of Crespino, who, under oath, testify that the current Chaplain, Grifoni, and the aforementioned priests, Nuti and Paolicchi, have always readily provided their services for the administration of the sacraments of confession and other parochial functions, especially on solemn days, as well as for the care of the sick in the church of Crespino. Indeed, these witnesses state that they have learned from their elders that the Chaplain of Saint Ranieri is obligated to attend the parish church on at least solemn days and in cases of grave necessity for the parish. Furthermore, the Court continues, the Episcopal Chancellor of the diocese of Sanminiato asserts that, from two documents existing among the records of benefices from the year 1885, one of which is from Gustavi Iacoponi, Prior of the parish of Tripalle, dated June 16, 1868, and the other from Francisci Citi, Spiritual Economist of the church of Crespino, dated the 17th day of the same month and year, it is clear that the Chaplains of the Most Holy Name of Mary have always provided their services in assisting the parish priests of the places of Crespino and Tripalle, as well as in attending to the sick, from the very foundation of the benefice to the present day. The same is testified to by Laurentius Ferri, aged seventy, a parishioner of the place of Tripalle, as well as by the parish priest of Cresputo; the latter, while extolling the virtues of the predecessors of the current Chaplain, lamented in harsh terms about the bad conduct of the aforementioned. Therefore, the Court concludes, the established practice has not only been interpreted according to the cited article 9, but has also acquired the force of law through custom. Furthermore, the same Court bases its argument on the nature of the Chaplaincy, which is a position of care and assistance, as established by law (and even before the Government), based on the constant provision of parochial ministry. Indeed, when, through the law of suppression of 1867, the Italian Government demanded a tax from the patrons of the Chaplaincy, as if it were not a curatial benefice, the Court of Sanminiato presented a historical document, showing that the aforementioned Chaplains, either from the founding documents or from

[*Latin ed. p. 670*]

670. By the unbroken custom of the Most Holy Church, and of the regulations, the burden of assisting the parish priests of the neighboring places of Crespino and Tripalle has been assigned to the parish priest. Indeed, because the Royal Government maintained that the exercise of this assistance had been arbitrary and not sanctioned by civil or ecclesiastical authority, it

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was demonstrated that, since this practice was founded on the very documents of its establishment, approved by both authorities, at least an implicit and necessary sanction was present. Furthermore, the Court continues, the ecclesiastical sanction can be presumed, either because the Chaplain of Saint Ranieri should not have been permitted to exercise parochial duties, unless this had been established by the act of foundation or by the tacit consent of the Ordinary; or because a custom has prevailed since the year 84, which is more than sufficient to grant the right or privilege of an assistant to the Chaplain of the Most Holy Name of Mary; and finally, because of the constant practice of the Court of San Miniato, which has always considered the aforementioned Chaplain as a curate, either because of communications made to him and which are usually reserved for parish priests, or because of the quality of curate which has always been recognized in him. Having considered all these things, the Court concludes that the Royal Government, on March 7th of the year 1869, decreed that the Chaplaincy of Saint Ranieri was not subject to the law of suppression. Finally, the Court continues, the Chapel of the Most Holy Name of Mary has always been called a *curata succursalis* (a subsidiary curacy), as can be seen in the respective documents of its actual establishment, namely the bulls concerning the Chaplain Grifoni and his predecessor, Paolicchi.

DEFENSE OF THE CHAPLAIN. The Advocate of the Chaplain Grifoni maintains that the decree of the Court of Saint Miniato cannot in any way be sustained. Indeed, he argues, according to the commonly accepted doctrine, the will of the founders cannot be changed without a dispensation from the Apostolic See; and a fortiori, new burdens cannot be imposed on ecclesiastical benefices. In the case of the founder of the Chaplaincy of Saint Ranieri, she expressly stated her will, by prescribing more obligations to the Chaplain. There is, indeed, the office of ministering...

[*Latin ed. p. 671*]

From the decrees of the Holy See and of the religious order, number 671: It is stated that he who resides in the countryside or attends the oratory, as is inferred from the obligation imposed upon the chaplain to continuously reside at the oratory; likewise, the explanation of the Gospel and the Catechism are imposed, which is the proper duty of the parish priests; but only within the oratory. However, in the documents of the foundation, not a single word is found concerning the duty of the chaplain to assist two neighboring parish priests, either in the care of the sick, or in the sacred functions. Furthermore, the advocate continues, how could the chaplain completely dedicate his services for the benefit of the people of the Belvedere estate, as the Foundress commanded? Moreover, neither was permission obtained from the Holy See, nor was the habit received, indeed, nor was the consent of the patron sought; which was required, since we are speaking of a benefit of patronage. Furthermore, the advocate

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proceeds, the appeal to custom does not benefit the Curia, according to which the chaplains of Saint Ranieri assisted the parish priest. For, setting aside the examination of the testimonies presented by the Vicarius Foraneo Cesare Lenzi, the established principle of law is that custom cannot create a true obligation, when it concerns merely facultative acts: "To a faculty, no prescription is given... Custom is not introduced with regard to merely facultative acts, except by law" (Reiffenstuel, ad tit. I. dec. ut IV, n. 130). Indeed, even if this were not certain, in order for custom to have the force of law, it must be demonstrated that the chaplains of Saint Ranieri, neither invited nor spontaneously, but ordered, assisted the parish priest; whereas, on the contrary, not a single word about this is found in the testimonies collected by the Curia. However, the advocate says, even admitting these depositions as if they were true, it always remains doubtful whether the chaplains assisted the parish priests with the intention of obligating themselves, or rather, moved by spontaneous zeal: in which case, the intention of obligating oneself is excluded: "In doubt whether a custom arises from devotion alone, or with the intention of obligating oneself; it is to be presumed that the custom is rather one of devotion than of obligation, and therefore contains merely facultative acts" (Reiffenstuel, ibid., n. 130).

[*Latin ed. p. 672*]

672 FROM THE DECREES OF BISHOPS AND CANONS. But what is to be said, the advocate continues, if the alleged custom did not exist? The chaplain, Grifoni, presents several witnesses, among whom are some priests holding positions of authority, who, under oath, testify that they have rarely, if ever, seen chaplains of the Most Holy Name of Mary assisting the parish priests of Crespino and Tripalle, and that if, at times, this has occurred, it has been done entirely freely and spontaneously. All of this, the advocate adds, is confirmed by the fact that, as the Archbishop of Pisa states in his report to the Holy Congregation, there have never been sacred vessels or other furnishings in the chapel of Belvedere for the administration of the Holy Eucharist and Extreme Unction, as is evident from the inventory of the chapel itself, which is kept in the chancery of Pisa. Furthermore, the advocate continues, it will be of no benefit to the parish of Sanminiato for the chaplain to be considered a curate, and to be so designated in the papal bulls of 1885 and 1892. For the first fact cannot establish a right in the canonical forum; much less so if it is considered that the chaplain is treated as a curate with only the duties mentioned in the founding documents, namely, the explanation of Christian doctrine and the Gospel in the chapel, since these pertain to the office of a parish priest and contribute to the good of the parish and the assistance of the parish priest. Moreover, in order to bring about a change in the nature of the benefice, the consent of the patron is absolutely required, which he has never given and will never give, as he testifies. The words of the bulls must

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also be understood in the same sense, when they speak of a chaplain who is a curate: for it is stated in them that the chaplain is obliged to perform the ministry of the chaplaincy; and this ministry cannot be anything other than that to which the founding documents refer. Finally, the patron confirms his argument with an informative statement, in which the Archbishop of Pisa, as patron of the benefice, sent to the Holy Congregation on November 24, 1902, and in which he stated that the chaplain of the place...

[*Latin ed. p. 673*]

FROM THE SACRED CONGREGATION OF BISHOPS AND REGULAR CANONS, 673. Concerning the matter of whether the chapel of Belvedere is obligated to assist the two neighboring parish priests of Crespino and Tripalle. After considering all the points presented on both sides, the following question was posed: Whether and in what manner the decree of the Curia of San Miniato, of May 1902, should be confirmed or rejected on the 15th [day of the month]. Resolution. The Sacred Congregation of Bishops and Regular Canons, after deliberation, responded on April 24, 1903: The decree is not to be upheld. Collections. I. The founders of benefices can, from the very beginning of their establishment, attach all those laws and conditions that they wish, provided that they are honest, possible, and accepted by the Ordinary. II. However, with the passage of time, neither the heirs nor the patrons of benefices, nor even the founders themselves, even with the consent of the Bishop, can introduce any change. III. Furthermore, it is commonly said: "Ecclesiastical benefices are to be conferred without diminution." Among the various kinds of diminutions, this is also considered one, namely, when new obligations are imposed that are not contained in the founding documents. IV. Moreover, it is certain that mere facultative acts cannot establish a custom contrary to the law. V. In the case of the chaplain of the Most Holy Name of Mary and Saint Ranieri, it is not required by the founding documents to assist the neighboring parish priests of Crespino and Tripalle, either in the sacred functions, nor in the care of the sick. Acts, Volume XXXV, page CDXIX, 43.

[*Latin ed. p. 674*]

674 FROM THE SIXTH SESSION OF THE COUNCIL OF TRENT. It does not help to appeal to a contrary custom, because this does not seem sufficiently proven; but even if its existence were proven, it could never have the force of law, since it concerns actions that are subject only to free will. FROM THE SACRED CONGREGATION OF THE COUNCIL FOR THE CAUSES OF SAINTS, in Folio No. II, on NULLITY OF MARRIAGE. On December 14, 1901, and on March 28, 1903. Session 24, chapter 1, concerning the reform of marriage. Summary of the case. A marriage, in which Joanna N..., aged 46 years, and Count Henry N..., aged 34 years, entered into a religious ceremony on May 7, 1895, is now contested by both parties,

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who assert that they married only for civil purposes, and not in order to establish a conjugal bond. For Joanna, when she married Henry, had already borne several children by Baron C..., of whom only three are still living and recognized by the aforementioned Baron. After the death of the Baron, a guardian was appointed by the tribunal for the three children, who were still of a minor age, and the Most Reverend [official] was appointed as the head of this guardianship.

[*Latin ed. p. 675*]

MECHLIN. As is said, a Masonic sect existed, whose aim was to enroll children within that sect. Therefore, in order to rescue her children from such danger and to seek counsel regarding her own affairs, which were being jeopardized, Joanna requested that Henry take charge of the management of her family's affairs; and, since a legal title was required to remove the guardian, she offered herself to Cornitus in marriage. However, since both desired to achieve only a purely civil outcome, it is said that they considered entering into a marriage of appearance, with the condition attached that neither would have any right in the other's body, and that, after settling family matters and rescuing the children from the Masonic sect, they would grant each other mutual freedom. After approximately four years, at the beginning of the year 1899, Joanna approached the Mechlin Archdiocesan Tribunal, requesting that the marriage with Henry be declared null. The Tribunal, after completing the proceedings, rendered its judgment: "It does not appear that there was a defect in the marital consent, therefore the marriage is firm and valid." However, when the plaintiff appealed this judgment to the Supreme Sacred Tribunal, this case was proposed for discussion (in secret) on December 14, 1901, under the following two questions: "I. Whether the judgment of the Archdiocesan Tribunal of Mechlin should be confirmed or overturned in this case"; and, in the affirmative part: "Whether it is necessary to consult with the Most Holy Congregation regarding a dispensation from a marriage that is valid but not consummated in this case." The Sacred Congregation considered it appropriate to respond: "To the first question, it is to be confirmed; To the second question, negatively." However, when the husband, alleging new circumstances, obtained a new hearing, this case was again proposed to this Sacred Congregation for examination under the question: "Whether it is necessary to adhere to or depart from the previous decisions in this case."

[*Latin ed. p. 676*]

676. EX S. G. CONCILII Disceptatio Synoptica. DEFENSIO CONIUGUM. Advocatus contendit quod duo argumenta ad probationem nullitatis matrimonii sunt praesentia, scilicet matrimonium esse nullum ex defectu legitimi consensus, necnon inconsummatum remansisse. Itaque, primus,

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orator exponit principia iuris, quibus demonstratur simulata seu ficta connubia irrita esse. Sane, Benedictus XIV. (De Synod., 12, 13, n. 8) scribit: « Quicumque contractum vult, necesse est eiusmodi substantiam velit; ideoque si contrahentes, in matrimoniali foedere ineundo, conditionem apponunt illius substantiae contrariam, certissimum est argumentum, nequaquam in veri matrimonii contractum consentire ». Sánchez (De Sacr. matr. lib. II, disp. 29, n. 11) habet: « Contractus debet saltem implicite intendere bonum Sacramenti, quod evenit quando non habet intentionem contrariam: quare si haberet animum, etiam corde retentum, adversum bono Sacramenti, quia scilicet intenderet non contrahere matrimonium nisi ad tempus, non esset verum matrimonium. Hisce praemissis, patronus, ut constet de matrimonii nullitate ex defectu consensus, tria adnititur demonstrare, scilicet 1) adfuisse in casu causam, qua coniuges Ioanna et Henricus ducti sunt ad fictas nuptias contrahendas; 2) hanc simulandi mentem revera sponsos habuisse; 3) demum hanc mentem in matrimoniali quoque actu perseverasse. Et ad causam simulationis quod attinet, patrocinator eam invenit in necessitate, qua detinebantur coniuges ineundi matrimonium ut filii eriperentur a secta massonica atque eorum res familiares extricarentur. Interrogati enim sponsi, qua ratione connubium simulaverint, responderunt hoc ideo fecisse quia necessitas urgebat et nullum aliud remedium praesto erat ut minorum sive spirituali, sive temporali bono prospiceretur. Idem refert Comitissa Ch... etc.

[*Latin ed. p. 677*]

MECHLINIEN. 677 If you object that all these things do not constitute a cause for a fictitious marriage, the advocate replies, citing circumstances that suggest that a true marriage could not have been contracted in this case. For, he says, Henry had a promised bride, the young woman M..., whom he did not desire; furthermore, Joanna was twelve years older, and was afflicted with impotence, making it difficult to have sexual relations and even more so to procreate an heir, while the Count intended to perpetuate the noble lineage of his family. Regarding the fiction of this marriage, in addition to the spouses, several witnesses testify, for example, Count C..., Ferdinand W..., the spouses I, etc. Moreover, the advocate argues that the spouses truly intended to enter into a fictitious marriage, or to avoid any conjugal rights of giving and receiving. When Joanna was questioned about her intentions, she replied that, during the celebration of the marriage, she did not intend to contract a true marriage; indeed, in the written contract, she had included a clause by which she obligated herself, despite all difficulties, to restore the bridegroom to his freedom. Henry repeated almost the same thing; and these things, the advocate continues, are confirmed by the testimonies of witnesses, among whom are Count Alfred, the bridegroom's brother, and Aloysius, another brother, who assert that the aforementioned spouses stipulated, through a special contract, either oral or written, their

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intention to enter into a fictitious marriage. Furthermore, there is a letter present, which Henry sent to the promised bride M... twenty-five days before the celebration of the marriage, and in which he repeated that his union with Joanna was merely apparent, while both remained faithful to their own affections. And since the young woman M... did not cease to urge him with tears and prayers, on the third of May, 1895, or shortly before the celebration of the fictitious marriage, the Count showed her the written contract. She, however, since she placed great hope in the document, handed it over to a photographer, who later had it photographically reproduced. The contract, in fact, contains a declaration by which the spouses are bound to contract a purely conventional union and to have only civil effects, and to waive all the rights of marriage, namely...

[*Latin ed. p. 678*]

678 From the records of the Council, it is declared that they maintain full and original liberty. The faithful reproduction of the contract is established, the advocate states, either by the sworn testimony of the girl, or by the photograph of Peter T...., a most upright man. All of these things, the advocate adds, were carried out immediately before the supposed marriage. For it began on the seventh of May, 1895; the contract was executed on the first of May of the same year; and the revelation of the contract by the Count to the girl M..., and her photographic reproduction, took place three or four days before the wedding, as is evident from the sworn testimony of either the girl or the expert man. On the fifth of May, the photographer of this contract sent two photographic reproductions to the girl M..., who, in order to keep them more safely, gave them to the Marchioness G..., and only one of them was later sent by the son of the same deceased Marchioness to the Tribunal. These circumstances, the advocate continues, were subjected to a new judicial examination and were proven, especially by the sworn testimony of the girl M..., the photographer Peter T..., as well as Charles R.... and the Count G...., etc. Finally, the advocate says, a special examination was held in Rome, and the judgment of the most learned men, Manfredi G..., emerged, which stated that the contract was executed and signed by the Count; the same judgment was given regarding the signature of Joanna. Therefore, the advocate argues, there is no longer any doubt about the existence of the contract; and since it is proven that the spouses entered into a marriage contract, it is now clear that the nullity of the marriage in this case can be demonstrated. Furthermore, the advocate continues, the intention of celebrating a simulated marriage persisted in the very act of marriage itself. Indeed, considering all the circumstances, namely the age and illness of Joanna, this change of mind in the spouses cannot reasonably be presumed; rather, the opposite should be presumed. This is furthermore evident from their words and actions, as is most clearly demonstrated by

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the testimonies.

[*Latin ed. p. 679*]

MECHLINIEN. It is established by 679 testimonies, most clearly, that the aforementioned parties never changed their intention of entering into marriage, pretending only to do so, and never actually intending to consummate the marriage. Otherwise, the advocate argues, they would not have declared, either immediately after the marriage or later over time, that their intention was to contract a fictitious marriage, as is evident from the sworn testimonies presented, which not only attest that the spouses, after the marriage, were heard by others to have always persevered in the same intention, either before or after the marriage, but also that their judgment is based not only on the words of the spouses, but also on their actions, or on their separate lives and on their entire manner of living. Therefore, if this intention persisted in the act of marriage, it is clear that the marriage is invalid and should be declared as such. Having thus laid the groundwork, the advocate proceeds to address certain difficulties raised by the defender of the bond in the initial arguments of the case. First, with regard to the words of the Glossary in chapter 26, "De sponsal. et matrim.," namely the word "Mulierem," which states that in a case where someone protests before several people that everything they say or do will not be done with the intention of contracting marriage, and then publicly says, "I consent to you," the Church should judge that a marriage has been contracted, because recourse must be had to the common understanding of words; the advocate observes that the Doctors, citing Pitonio, Disputationes Eccl. 52, n. 38, exclude the case where the protestation was made in the presence and with the consent of the other party, because in this case, the prior intention to make a fictitious marriage is considered to persist. From this, he concludes, the same must be said in other cases, whenever it is considered that the prior intention persists, and therefore, these words of the Glossary should be understood in the sense that the protestation made beforehand before several people is considered, whenever it is proven that the prior intention persists. But because the defender of the bond objected to the words of Pitonio, Book 1, chapter 10 and following, in which it is stated that "this limitation no longer holds after the Council of Trent established a certain form for marriages, because, since the marriage in question was celebrated before a priest and witnesses in a pure manner..."

[*Latin ed. p. 680*]

680. From the decrees of the Holy Council, expressed in words without any condition, the Church ought to judge that it was contracted purely and simply. For, since marriage is to be celebrated today in her presence according to the decrees of Trent, whatever was not said before her is considered not to exist in reality. The defender responds with these words of Pitonius:

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"Whatever was not said before her is considered not to exist in reality," and these words must be understood according to the purpose of Trent, which was to establish that marriages should no longer be valid without the presence of a priest, as before. Therefore, according to the advocate, matrimonial contracts are not valid unless they are expressed before the priest, and not that those things which are expressed before the priest are to be understood according to those things which were previously expressed in the absence of the priest. Indeed, he says, those things which are said before the priest are not to be understood materially as they sound, but according to the rules of correct interpretation, and if they were to be interpreted otherwise, the Church would uphold marriages which would be considered to be without intention, which is entirely contrary to a valid matrimonial contract. Furthermore, the advocate adds, even if a doubt remains due to the difficulty proposed by Pitonius and presented by the defender of the bond, since the doubt in this case is not of fact but of law, the saying "in dubiis standum pro valore actus" (in cases of doubt, one must rule in favor of the validity of the act) does not apply, but rather the saying "lex dubia non obligat" (a doubtful law does not obligate). Moreover, the advocate adds, it is certainly established in law that marriage is not contracted without intention, but whether this principle is maintained after Trent only in the internal forum, or also in the external forum, so that one who contracted without intention cannot be released from the marriage, is not a law established, but a question which Pitonius proposed to the Doctors for discussion. "However," Pitonius concludes, "I have said all of this in the manner of raising a doubt, not of deciding, so that if such a case arises, the matter may be better examined." Therefore, the advocate argues, since the law which prevents spouses from withdrawing from a marriage they are simulating is doubtful, it cannot be enforced in this case, and therefore, the spouses who have entered into a marriage *fictitiously* are free from any bond.

[*Latin ed. p. 681*]

MECHLIN. 681. It must be clarified, and indeed all the more so because the fault was committed in good faith, namely, in obedience to the law and religion, or in order to rescue children from the Masonic sect. Finally, the defender, although he has established, from the statements made, the nullity of the marriage in the case of simulation, adds further arguments to demonstrate that the marriage was not consummated in this case. And he seeks to demonstrate this first from the sworn testimony of the parties and witnesses. Indeed, the spouses testify under oath that they never consummated the marriage, nor did they attempt to do so, but rather always occupied separate bedrooms. This is confirmed by Alena, the daughter of Joanna, as well as by several other witnesses. Another argument, the advocate continues, is derived from Joanna's impotence for sexual relations

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due to a disease, from which she had suffered since 1892; this impotence and infirmity were well known, as evidenced by the explicit declaration of the midwives who provided care for the bride for four years prior to the marriage. Nor is there any reason to suspect the veracity or piety of the spouses, the defender argues; for many witnesses, among whom are not a few priests, testify to the good morals and the deep faith of the spouses. Finally, the defender concludes his argument, pointing out that in this case, as is evident from the statements made, there are legitimate reasons that suggest that a dispensation should be granted in this case, to the extent that it is not established that the same marriage is null under the head of simulation.

OBSERVATIONS OF THE DEFENDER OF THE BOND. The defender of the marriage bond, by his office, is entirely dedicated to proving that there is no basis for declaring the marriage null, nor can a dispensation be granted regarding a marriage that is valid and not consummated. To this end, in the first part of his argument, the advocate summarizes the arguments that have been presented, both for and against, in the previous proposition; then, in the second part of his argument, he brings forth new difficulties. Omitted sy-

[*Latin ed. p. 682*]

682 From the aforementioned section of the first part of the Council, only observations are presented, which are now compiled by the defender of the Sacrament. He divides these into three categories: in the first, he presents those matters that pertain to the canonical doctrine concerning simulated matrimonial consent; in the second, those concerning the practical investigation, namely, whether, in a given case, the simulated consent is properly proven; and finally, in the third, he discusses the dispensation after a valid marriage, arguing that a negative response must first be affirmed. And with regard to the first category, the orator, citing principles of law, demonstrates that all those things which vitiate consent also, by themselves, or independently of any positive disposition, render marriage invalid; therefore, he concludes, since simulated or feigned consent is not true consent, it is manifestly absurd to consider it as bringing together the wills of the contracting parties, and therefore, any agreement, and especially a matrimonial agreement, celebrated through feigned consent, is entirely devoid of validity. The defender of the bond does not believe that the opinion of those who hold that an action should be denied to those who wish to impugn their marriages, which have been celebrated purely and simply before the Church, is correct, citing the cause of simulation. For, the defender of the bond states, the Church has never done this, neither before nor after the Council of Trent. Therefore, the orator concludes, it is necessary to admit the proof of simulation, when a reason is alleged that is not improbable and is plausible, according to the doctrine of the Rota, "that

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simulation must be proven at least by urgent causes and conjectures." Then, proceeding to the second category of observations, concerning whether the simulated consent is properly proven in the case, after briefly presenting the history of the marriage, he says that, even in this brief narration, three questions spontaneously arise: Are these things possible? Are these things plausible? Are these things true? And the orator responds negatively; because those things which are nar-

[*Latin ed. p. 683*]

MECHLIN. 683. Concerning these marriages, it is of such a nature that they should rightly be considered to be based only on a plausible fiction, as the French school, led by Ponson du Terrait, is wont to suggest. Therefore, the opponents, in order to compel us to believe them, ought to demonstrate their assertions with the most valid arguments. But, on the contrary, says the orator, the arguments presented thus far are utterly inadequate to legally prove those things which are presented with such a small degree of truth. Having stated this, the defender of the marriage argues that, in order to demonstrate his thesis, he will first show the inconsistency in the way in which the spouses recount the alleged agreement to the judge. This, says the orator, is a very strong argument, for if inconsistency in the statements of those who confess and testify always harms them, then it will be even more true in this case, when it is a matter of something which the spouses themselves, and only they, are the true authors of; concerning whom, therefore, we can and must presume, by all right, that they are, and have been, most learned with regard to every asserted fact or the smallest circumstance, and therefore that they are, and have been, most accurate when they testify about it, especially in court and under oath; and this is all the more so because they could have more easily achieved the desired dissolution of the marriage if they had immediately, from the beginning, given completely true and accurate answers. But that the confession of the spouses is marked by inconsistency, says the defender, is evident from the different ways in which each of them recounted the agreement; for in the first examination, they stated that the agreement was merely oral, while in the second, they stated that it was written. If the lawyer insists on the inconsistency to acquit his clients, saying that at that time, when the document had already been torn, the agreement could have been considered oral and not written; this response, according to the defender of the marriage, does not accord with the natural order of things, according to what commonly happens, for either both, or at least one of them, could have indicated this circumstance, which would have been very serious and extremely favorable to them, by immediately invoking the authority of the

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photograph.

[*Latin ed. p. 684*]

684 FROM THE HOLY GENERAL COUNCIL. But the Advocate argues that not only are the spouses inconsistent, but also deceitful, due to the numerous contradictions in which they have fallen. For, he says, in the initial questioning, they testify that before the marriage, they had communicated to no one their intention of entering into marriage. On the contrary, for example, Count Aloysius, the groom's brother, testifies that he saw Henry show a written agreement to himself and another brother, T..., before the marriage. Indeed, the groom himself, in a subsequent examination, confessed that his brothers were aware of the initial agreement. And, the Advocate insists, it must not be assumed that these words of Henry are to be understood as having been spoken after the marriage; for both the aforementioned brother Aloysius and Lady Ch... openly speak of a written agreement made before the marriage. Therefore, when Henry presents these testimonies directly against himself, he declares himself to be a liar by his own actions. And this is true also of his bride; for example, Lord C... states that she showed him a written agreement a few days before the marriage. But this is not enough. For, the Advocate says, other contradictions in the spouses must also be noted, so that it may be clear how little credence should be given to them. Indeed, when questioned about her intentions, Joanna responds: "There was a condition stipulated in the agreement, by which, after overcoming all difficulties, I would relinquish everything in order to grant freedom to my spouse." However, in the asserted document, as is shown photographically, this condition is nowhere to be found. And, the defender of the marriage adds, if these reticences, contradictions, etc., of the spouses are added to all the doubts that have been noted above, in general and in detail, then everyone of prudent mind will surely feel a double, indeed almost incredulous, feeling. But if the advocate objects: "Presumptions must yield to truth; therefore, if trustworthy witnesses testify to an agreement, and indeed a written one, and furthermore, photographic copies of it are presented, then whatever may seem to the contrary must be concluded to be true of the asserted agreement"; this objection does not move the defender of the Sacrament; for he, after having duly considered everything, although he may believe that it is possible to admit that what...

[*Latin ed. p. 685*]

MECHLINIEN. 685. The document, as it now appears, was, it is believed, fabricated in such a way that it does not represent a true agreement between the future spouses, but rather a certain fictitious agreement, devised by them in collusion. Perhaps this hypothesis seems bold at first, said the advocate, but it is not dissimilar to the truth, and it is sufficient, until it is most clearly proven false, to maintain it, and therefore, the spouses who are

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insisting on the nullity should be repelled. The advocate, however, proves that this hypothesis should be entirely admitted. This hypothesis, he says, fits perfectly with the entire narrative, as presented to us by the spouses. And indeed, if there was some fictitious or fabricated agreement, then the facts, such as the testimony of witnesses who claim to have seen this agreement before the marriage, the fact that the girl M... took the document to a photographer, and the photographer reproduced it and noted the matter, and the fact of the document's destruction, etc., are easily explained. Furthermore, if this fictitious or fabricated agreement is admitted, it is easily understood how the spouses could have been so inconsistent when they testified about it before the judge at various times; for, if the very fact itself was false in its essence, what is surprising if, later, the testimony of those who were the authors of the falsehood was also false? Is it not a most common saying that "iniquity is deceitful to itself"? But if someone asks: if the agreement was fictitious or fabricated, why was it done? Then the defender of the Sacrament replies that there are no lacking elements in the facts that shed some light on the mysteries. And indeed, he says, there was a compelling reason for Henry and Joanna to enter into a marriage, namely, their interest. Indeed, Henry was interested in entering into this marriage, since at that time he was under heavy financial pressures, as is evident, for example, from the testimony of Carola, Joanna's daughter. The deceived bride M... repeats this, and her words are all the more to be heeded, because Count Henry does not, with certainty, exclude M..., as...

[*Latin ed. p. 686*]

686 FROM THE SACRED COUNCIL, he began proceedings against Charles. Not only did Henry, the defender of the marriage, pursue the matter, but also Joan was involved in celebrating this marriage, since, as can be seen, Henry had secured a very skilled and experienced advisor in business matters, who had been of great assistance to him and his sons, as evidenced by the testimony of witness C—; see above. However, since the most serious obstacle to these marriages was the impediment of the betrothal, by which Henry had bound himself to the girl M..., a cunning plan was devised, as the advocate stated, to celebrate the marriages through a simulated consent or for a time. For in this way, it was presumed (and this was indeed the case) that the deceived bride, Joan, would, for the time being, relinquish her rights in some way and would endure the simulated marriages with less distress. The defender of the Sacrament considers this hypothesis more probable based on these two arguments. Firstly, if Henry and Joan truly intended only to enter into a marriage simulated and for a time, how did they escape the most serious labyrinth of difficulties, in which they entangled themselves both before the Church and before the state? Indeed, in order to obtain freedom in both forums, either ecclesiastical or civil, they would have had to work very hard,

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and certainly they would have done so; and this all the more so because they were dealing with a matter that they could easily foresee. Secondly, there are very serious indications that the consent was not simulated, but rather that a contract was entered into: first, from the letter that the bridegroom, Henry, wrote to the girl M... a few days before the marriage, and which was entirely intended to soothe the deceived bride, cleverly depriving her of all comfort and false hope of future marriages, which the girl genuinely believed; and, above all, from the written document that Henry presented to the deceived bride a few days before the marriage, indeed, he left it before her very eyes, certainly not without intention, so that she might examine it repeatedly and at her leisure; so true that, seizing the opportune moment, the girl most skillfully endeavored to have it photographed, confident that she had in it a very strong argument to urge against the treacherous bridegroom. And if the advocate asks: and then, if it was simulated...

[*Latin ed. p. 687*]

MECHLINIEN. 687 Concerning the alleged pretense of consent, how is the manner of acting explained, which followed the marriage, namely, the different dowries, etc.? The defender of the bond replies: 1. Firstly, we have not yet established that the spouses have consistently abstained from the marital act; 2. Furthermore, what has been said above about these marriages being entered into for the sake of interest rather than love, if true, explains this. Moreover, Joan is presented in the records as one who, at the time of the marriage, did not use many enticements to invite her husband to the marriage bed. To the insistent advocate: And then, if the agreement was feigned, why did the spouses appear so eager to show and then destroy it? The defender of the sacrament replies that both can be explained: 1. The affected display before the marriage, because it was necessary to conceal before relatives and friends the fact that Henry had abandoned the girl M... for Joan, and this all the more because the very nature of these marriages would be evident to all, since Joan was much older than Henry, and indeed, had lived in concubinage with another man for many years before she married him, and had borne twelve children from that man! 2. The immediate destruction after the marriage, because the intended end had already been, at least in substance, obtained. The advocate objects: If the agreement was feigned, how is it that now each spouse places his own interests in the matter, in order to challenge the marriage? The defender of the bond replies: It is not surprising if marriages entered into not out of love, but out of interest, are now obtained by mutual consent or by collusion. For perhaps greater interests now suggest dissolving the marriage, which previously suggested uniting it: and furthermore, since a feigned agreement provides them with the best argument, what is surprising if they have used it? Indeed, what certainty do we have that the occasion of the feigned agreement was not

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that the spouses, considering the obtaining of the marriages, would not have acted otherwise, since they lacked other arguments?

[*Latin ed. p. 688*]

688 FROM THE HOLY GENERAL COUNCIL: The testimonies presented by the advocate, which are intended to strengthen the validity of the marriage and thus its credibility, do not lead one to believe that they should be considered devoid of all merit. Furthermore, he states: "It is evident to all: a) that favorable testimonies, which are often readily granted by parish priests, especially to wealthier and more influential families, should be regarded with great caution; b) that such testimonies can only offer a certain presumption, which must, therefore, give way to the truth, as is demonstrated in our case." Moreover, because the advocate writes, citing an example from a photograph: "The judgment of the most learned Manfred G... has been rendered; that a contract was executed and signed by the Count; a similar judgment was rendered regarding the signature of Joanna"; the defender of the bond observes that these statements do not definitively correspond to the truth, because the expert, while fully testifying to the fact that the man writing and signing the document did so, only states that the woman's signature, "Joanna N...", bears no resemblance to the writing in the complete document and shows no alteration, and is therefore a writing from an external hand. Therefore, the advocate argues, even granting that the contract was not fabricated, but was a genuine agreement between the spouses, the authenticity of the woman's signature still remains to be proven. Finally, with regard to the dispensation from impediment, the defender of the bond points out that it cannot be considered valid in a case where it does not follow the consummation of the marriage, nor can it be proven; because, as they say, without proof, the evidence is lacking, and only the confession of the spouses in a suspicious case, or the testimony of a seventh witness in a case that is completely or almost completely irrelevant, remains. Therefore, after considering these various points, it was proposed to the Sacred Congregation to clarify the following question: Should we adhere to or depart from the decisions made in this case? Resolution. The Sacred Congregation, having called upon all that is true, gave the following response: Adhering to the previous decisions.

[*Latin ed. p. 689*]

689 FROM THE DECREES OF THE HOLY CONCILIARY COUNCIL. On the 16th of May, 1903, in the Apostolic Palace at the Vatican, the Sacred Congregational Council was held, in which, among other things, the following questions were proposed, according to the custom of the same Sacred Congregation, for legal discussion; and which were resolved as follows: *) REGARDING SUMMARY PETITIONS OF THE MOST REVEREND FA-

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THERS. I. COMEN. - RESTORATION OF THE ARCHIDIACONATE. (reserved). For the grace requested, at the discretion and conscience of the Bishop. II. TREVISO. - COLLATION OF BENEFICES. Regarding the alternative collation of benefices between the Bishop and the Chapter, and the extension of vacancies to three months, for the grace requested; however, for a valid institution, nothing is to be innovated. IN FOLIO I. PARIS. - NULLITY OF MARRIAGE. Q. Should the sentence of the Parisian Court be confirmed or rejected in this case? A. The sentence should be rejected. II. MONTESPESSULANA. - DISPENSATION FOR MARRIAGE. (under seal). A. Affirmative. III. NAPLES. - DISPENSATION FOR MARRIAGE, (under seal). A. Affirmative. IV. LINCIEN. (decree). A. With prior sanction. V. BERGAMO. - DISPENSATION FOR COLLATION OF BENEFICES. A. Affirmative, with caution. *) The discussion of these cases is transferred to the next volumes. Acts, Volume XXXV, phase CBXIX, 44.

[*Latin ed. p. 690*]

690 FROM THE HOLY GENERAL COUNCIL, DECREE 1. Whether the right to nominate canons pertains to the Chapter of the Cathedral Church of Bergom, except for the Theologian and Penitentiary, and other canonical offices, concerning which provision has been made otherwise in the founding documents, in case 2. Whether the same Chapter has the right to institute all canons, without exception, including the Theologian and Penitentiary, in case 3. Whether the same Chapter has the right to both nominate and canonically institute the Archpriest of the Chapter, to whom the care of souls is attached, with the prior approval of the Ordinary, after a preliminary examination, in case 4. Whether the same Chapter has the right to nominate the Chaplains, the Master of the Choir, and the Master of Ceremonies, who are present in the same Cathedral Church, in case. R. It is pleasing to grant, and according to the understanding. VI. CINGOLI. - OF ELECTIONS. D. Whether the Rectory of the Cathedral should be conferred upon a priest from Matalica, or rather, upon a priest from Malazampa, in case. R. The Rectory should be conferred upon a priest from Matalica. VII. VARSAVIA, OR TORUN, AND LUBLIN. - OF SEPARATION AND COHABITATION. Whether the sentence of the Archdiocesan Curia of Warsaw, dated December 15, 1900, or rather, that of the Diocesan Curia of Lublin, dated June 20, 1901, should be confirmed, in case. R. The sentence of the Curia of Warsaw should be confirmed.

[*Latin ed. p. 691*]

691 FROM THE HOLY CONGREGATION FOR RITES: A Doubt Regarding the Translation of a Solemn Feast. The request of the Most Reverend Lord Bishop of Ogdensburg concerning the translation of the solemnity of the titular feast of any church in smaller places: "Whether a solemnity of this kind, translated to the Sunday immediately following, enjoys the

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privilege of a single Mass proper to the same titular saint?" The Holy Congregation for Rites, after considering the report of the undersigned Secretary, and also having heard the opinion of the Liturgical Commission, decided to respond as follows: "No, unless it is established that there is an express and special Apostolic Indult." And thus it responded on February 2, 1902. D. L. * CARD. FERRATA, Prefect. D. PANICI, Archbishop of Laodicea, Secretary. DECREE by which the "Montligeon" Expiatory Work is granted the Indult to celebrate the Mass for the Dead on the second days of the week, not impeded by a double major feast. At the request of the Most Reverend Monsignor Paul Buguet, Bishop of Urban and General Director of the "Our Lady of Montligeon" Expiatory Work, for the relief of the souls in Purgatory, according to the purpose of said Work, the Holy Congregation for Rites, by virtue of the special faculties granted to it by the Most Holy Pope Leo XIII, benignly granted that, both in the mother church of the aforementioned Work, located in Montligeon, within the territory of the Sagien diocese, and in the Basilica of the Alma Urbs, known as Regina Coeli on the Holy Mountain, which is the permanent seat of the aforementioned Work's procuration, a Mass with singing, or, if singers are lacking, a Missa Lecta for the Dead, may be celebrated on each second day of the week *); with the exception of the double major feasts, which are not subject to this concession *). For the entire Church, the Decree "Aucto," reported in the Acta S. Sedis, Volume XXIX, page 62, dated June 8, 1896, remains in full force.

[*Latin ed. p. 692*]

From the Sacred Congregation of Rites, concerning food of the first and second class, for feasts requiring observance, for weekdays, vigils, and privileged octaves. Notwithstanding any contrary regulations. March 27, 1903. S. L. * CARD. CRETONI, Prefect. D. PANICI, Archbishop of Laodicea, Secretary of the Patriarchal Basilica of Saint Liberius. Regarding doubts concerning the offices to be performed in the choir or in the chapter by a canon of higher rank or seniority. The Reverend Monsignor Francis Riggi, Prefect of Pontifical Ceremonies and Canon of the Patriarchal Basilica of Saint Liberius, acting as delegate of the Reverend Chapter of the same Basilica, humbly presented the following to the Congregation of Sacred Rites for appropriate declaration:

It is known that the Liberian Chapter consists of sixteen canons, distinguished according to the hierarchical order, namely: eight priests, four deacons, and four subdeacons. The canons, however, marked by the dignity of the episcopal rank, if they are initially among the deacons or subdeacons, afterwards ascend to the first canonry when a vacancy occurs among the priests.

From certain doubts concerning the offices to be performed in the choir or in the chapter by a canon of higher rank or seniority, the following have

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arisen:

I. Is the canon of higher rank the same as the canon of seniority?

II. To whom pertains the recitation of prayers before and after the Chapter, when in the Chapter Constitutions, chapter XVII, § 4, it is written: "Let the session begin with a prayer, which the Vicar, or, in his absence, the canon of higher rank, shall recite"?

III. To which canon pertains the offering of the blessed candle to the celebrant on the feast of the Purification of the Blessed Virgin, and the blessed palm on the Lord's Palm Sunday, and also the imposition of the sacred ashes on the fourth day of Lent?

IV. Does it pertain to the canons of higher rank, or to the canons of seniority, to associate the Cardinal Archpriest?

V. Do the junior canons customarily give way to the Cardinal Penitentiary Major when he enters the Patriarchal Basilica of Saint Liberius on the fourth day of Lent?

[*Latin ed. p. 693*]

FROM SACRED RITUALS 695: During Holy Week, the Major Tribunal should attend, along with its members, to hear sacramental confessions. Can this custom be maintained? VI. Furthermore, can a similar custom be observed whereby the Major Legate of the Kingdom of Spain enters the Basilica to hear Mass on the feast of St. Ferdinand III, King? VII. In the Chapter Constitutions, chapter IV, § 3, it is written: "Whenever a solemn Mass is celebrated in a Pontifical manner, the duty of assisting belongs to the Dean of the Chapter, or, if he is hindered, to the oldest member in the order of the Canons." The question is asked: If the Dean of the Chapter is not a member of the presbyteral order, can he perform this duty? VIII. To which Canon does the subsequent sermon belong, given to a new Cardinal Archpriest; and what office does he perform when the body of the deceased Cardinal Archpriest is brought to the Basilica? IX. The Chapter Constitutions, chapter III, § 5, state: "The hebdomadary benefice shall not begin to be intoned with 'Domine labia mea,' or 'Deus in adiutorium,' unless the Vicar, or, if he is absent, a worthy and older Canon, rises and gives the signal to begin." The question is asked: Must this Canon be the more worthy or the older? And the Sacred Congregation, in response to the report of the undersigned Secretary, by a unanimous vote of the Liturgical Commission, and after mature deliberation, decided to respond as follows: 1. To question 1: No. 2. In the absence of the Archpriest and his Vicar, the more worthy Canon, according to decree no. 1299, of Assisi, August 30, 1664 *), should attend. 3. In the absence of the Vicar, the more worthy Canon should attend. 4. If the Archpriest proceeds to celebrate Mass in the choir in a Pontifical manner, he will be accompanied by the Diaconate and Subdiaconate Canons, who assist him in the Mass; otherwise, by two

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Canons, preferably the more worthy, but not Bishops. 5. To question 5: Affirmative. *) See the authentic decrees of the Congregation of Sacred Rites, collected from its acts and promulgated with authority under the auspices of Our Holy Father Leo XIII, Pope; in Rome, from the Polyglot Printing Press of the Sacred Congregation for the Propagation of the Faith, in the year 1898; Volume I, page 268. For our particular matter, number 6 of the cited decree 1299 is relevant, which states: "The Invocation or prayer of the Holy Spirit, when the Chapter is convened, belongs to the more worthy Canon."

[*Latin ed. p. 694*]

694 FROM THE SACRED RITUALS OFFICE: To question 6. Affirmative. To question 7. Negative. To question 8. Regarding the first part, concerning the more worthy [candidate], or the Secretary, according to custom; regarding the second part, concerning the older [candidate] from the presbyteral order. To question 9. The more worthy, according to the decree. 1976, Montis Politia, June 13, 1697 *). And thus it was responded. On May 8, 1903.

S. CARD. CRETONI, Prefect.

L. & S. f

DIOMEDES PANICI, Archbishop of Laodicea, Secretary of the Order.

DOUBTS OF THE MINOR FRATERS concerning the inclination of the head and the Preface in the Mass.

Reverend Father Paschalisa, a professed priest of the Order of the Minor Friars, with the consent of his Reverend General Procurator, humbly presented the following doubts to the Congregation of Sacred Rites, for a suitable solution: namely:

I. In a Mass celebrated within the octave of a feast, for which neither the office is recited nor a commemoration is made by accident, must the head be inclined when the name of the aforementioned Saint occurs in the Mass?

II. Which Preface should be recited in a votive Mass, when another Mass is celebrated on the same day within the octave, or when a commemoration in the Mass occurs in the office? Is it permissible to recite the common Preface, or the Preface of the octave?

And the aforementioned Sacred Congregation, after considering the report of the undersigned Secretary, the careful opinion of the Liturgical Commission, and all things accurately, decided to respond as follows:

To question I. Affirmative.

To question II. Affirmative regarding the first part, Negative regarding the second part.

And thus it was responded. On June 19, 1903.

S. CARD. CRETONI, Prefect.

L. * S. f

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D. PANICI, Archbishop of Laodicea, Secretary.

*) Also see the authentic decrees of the Congregation of Sacred Rites, etc., as mentioned above: Vol. I, page 431. The decision of the Sacred Congregation of Rites is: "Concerning the prescribing and ordering of precedence, etc., it pertains to the more worthy present in the choir."

[*Latin ed. p. 695*]

FROM THE SACRED RITUAL, DECREE 695, CONCERNING THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, PETER JOSEPH FORMET, KNOWN AS A HERMIT. In the late eighteenth century, in the county of Ventron, in the diocese of Saint-Deodat, a certain hermit, Peter Joseph Formet, passed away, and his name is honored and remembered in the mouths and hearts of all. He was born in the diocese of Vesontius on February 7th of the year 1724, to parents of humble condition, distinguished by piety, Stephen and Catherine Perrin, and he learned the rudiments of the Christian Faith and to observe its precepts. As he grew in age and virtue, he reached the age of twenty-one when he was struck by a grievous illness. Four years after his birth, in order to assist his father, who was in need and about to enter into new marriage, he attached himself to an honest man as a servant, and for two years he faithfully performed the duties of a good and faithful servant. Though drawn away from military service, he provided an admirable example of religion and morals to his fellow soldiers and even to the commanders. After five years, he returned to his former state of life, and he performed the duties of a servant so that he would not forget those things that pertain to a son. For when his father was suffering from a grave illness, he immediately, having dismissed his master, provided assistance, most solicitously seeking that he might receive the sacraments of the Holy Church. Having made a vow, he arranged for the sacred funeral of his deceased parent, and he saw to it that his body was placed in the same tomb as his mother. Afterwards, having bequeathed the paternal inheritance to his consanguineous sister, he left his native town, taking with him a crucifix and a small statue of the Blessed Virgin Mary. As a pilgrim, he first approached a solitary place near the monastery of the Cistercians, and then he resided in the town of Tête de Fortgoutte, near Bussang, where he constantly devoted himself to prayers, fasts, and holy works. The solitude, however, displeased John Valroff, and he was offered a drink, but he refused it, saying that he lacked nothing in the help of the Most High and in the protection of God of heaven. Under the care of the upright man, Thomas Colin, and with money provided, a more decent dwelling was built for the Servant of God in the place called Les Buttes, in the county of Ventron, where he lived from the year 1751 until his death. The man, Peter Joseph, beloved by God and by men, attended Mass daily in the church, often strengthened by the voices of angels. He persevered in prayer, wearing a simple garment, eating a meager meal, and

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sleeping little; nor did he ever neglect the hermitage, except when visiting a sanctuary or attending to the sick and the poor.

[*Latin ed. p. 696*]

696. From the Sacred Rites, concerning the comforting of those who, according to Christian Faith and Law, are to be baptized as infants and children. He lived this solitary and active life, filled with good works, until the year 1784. Then, afflicted by a grave illness, and having received all the sacraments of the dying, he departed for his eternal homeland on August 30th. His body, carried to the Church, with a great gathering of the people, was buried with sacred rites in the cemetery of the same Church. Among the servants of God, whose sanctity in life and after death was manifest, both within and outside this region, his reputation greatly increased. Wherefore, adorned with numerous testimonies, a process was presented in the ecclesiastical court of Saint-Dié, and submitted to the Congregation of Sacred Rites, through the humble and fervent prayers of the Most Reverend Lord Albert d'Armailhac, Urban, the Bishop, and the Postulator of the Cause. After considering the decrees of the same Sacred Congregation of July 23, 1900, and November 7, 1902, for the introduction of the Cause, together with the postulatory letters of certain Eminences of the Sacred Roman College, of many Most Reverend Bishops, and especially of the Most Reverend Bishop of Saint-Dié with his Cathedral Chapter, and the Rectors of the parish churches of Ventron and De Lamont, the Eminence and Most Reverend Lord Cardinal Vincent Vannutelli, the Bishop of Palestrina, and Relator of the same Cause, in the Ordinary Congregation of the Sacred Roman College, convened at the Vatican, proposed the following question for discussion: "Whether a Commission for the Introduction of the Cause should be appointed in this case and for this purpose." And the Eminences and Most Reverend Fathers, Prefects of the Sacred Rites, after the presentation by the same Eminent Proposer, having heard the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Office, and after mature deliberation and discussion, decreed: "Affirmatively, that is to say, a Commission should be appointed, if it pleases the Most Holy." On April 21, 1903. After all of this had been reported to the Most Holy Lord Pope Leo XIII through the undersigned Cardinal Prefect of the Congregation of Sacred Rites, His Holiness approved and ratified the Decree of the same Congregation, and deigned to sign the Commission for the Introduction of the Cause of the aforementioned Venerable Servant of God, Peter Joseph Formet, Hermit, on the 22nd day of the same month and year: SERAPHINUS L. CARD. CRETONI, Prefect. * S. f. DIOMEDES PANICI, ARCHIEP. LAODICEN., Secret.

[*Latin ed. p. 697*]

FROM THE SACRED RITUALS, 697, LIMANA: The Decree of Canon-

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ization of Blessed Mary Anne of Jesus of Paredes. In Quito, brought to light and deservedly called Blessed Mary Anne of Jesus of Paredes, flourished not less in virginity and innocence than in penance and interior spirit. When a pestilence was raging in her native city, causing the death of many thousands of citizens, she offered prayers, fasts, and other acts of devotion to God with great fervor. The soul of that Virgin pleased God, so that, even though she was only twenty-seven years of age, she was released from the bonds of her earthly body and ascended to heaven, while the contagious disease was still raging in the city of Quito. After her death, her sanctity became widely known, especially in the regions of America, and it grew so rapidly that the Sacred Congregation of Rites introduced the cause for her beatification and canonization. After her virtues and miracles were duly proven, the Supreme Pontiff Pius IX solemnly conferred upon her the honors of the Blessed in Heaven, to the great joy of the people of Quito. And after the veneration of this Blessed One, it is said that divine clemency has confirmed her sanctity with new and frequent signs and miracles, so that, at the urgent request of the Reverend Father Camillo Beccari, of the Society of Jesus, and promoter of this cause, and after attentive letters from certain Eminences of the Sacred College of Cardinals, and from the Reverend Prefect General of the Society of Jesus, the Rectors of the Pontifical Latin-American College and the Irish College in the City, and many citizens of Quito, the Eminence and Reverend Cardinal Dominic Ferrata, promoter of this cause in the deliberations of the Sacred Congregation of Rites, proposed the following question for discussion at a meeting held at the Vatican: "Should a Commission be appointed in this case, and for the purpose of which we are speaking?" After the Reverend Fathers, Prefects of the Sacred Rites, had carefully considered all matters, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith, they judged it advisable to respond: "Affirmatively, or that a Commission should be appointed, if it pleases the Most Holy [Pope]." On April 21, 1903. After all of the above had been reported to the Most Holy Lord, our Pope Leo XIII, and after the Sacred Congregation had approved the aforementioned decree of the same Congregation, His Holiness signed it with his own hand.

[*Latin ed. p. 698*]

698 From the Sacred Congregation of Rites, it is known that a Commission for the cause of Beatification of the Blessed Mary Anne Jesus of Paredes was established on the 22nd of the same month and year. SERAPHINUS L., Cardinal CRETONI, Prefect. # S. f. DIOMEDES PANICI, Archbishop of Laodicea, Secretary. DECREE concerning the Beatification and Canonization of the Venerable Servant of God, Brother Benildus, of the Congregation of the Brothers of Christian Schools. Born in the town of Thuret, near Claramont, in the diocese of [unspecified], of honest and pious parents, John Romançon and Anne Chanty, on the 14th of June, in the year 1805.

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The Servant of God, Brother Benildus, of the Congregation of the Brothers of Christian Schools, who was baptized in the sacred font with the name Peter. The young man, growing in virtue, especially under the care of his mother, attended private schools, under the direction of John Delair, and distinguished himself marvelously among his peers for his singular diligence and keen intellect. Sometimes addicted to the custom of playing games, he spent his hours peacefully and prepared himself for ascents to God through contemplation in his heart. In the town of Claramont, observing the Brothers of Christian Schools walking with singular modesty and reciting the Rosary of the Blessed Virgin Mary, he was immediately drawn to their Institute. He was sent to Rigodunum, near Thuret, to the schools of these Brothers. At the age of sixteen, he left his homeland and entered the house of the aforementioned Institute in the town of Claramont, where he experienced the help and patronage of Saint [unspecified]. Having completed his novitiate with distinction and having taken his vows, he was sent to various places, especially Aurillac, Limoges, Moulins, Clermont, Montferrand, Billom, and Sangues, where he devoted himself entirely to the education and instruction of young people, to the great satisfaction of all. While God was always present before his eyes, he recalled this divine presence in the classroom, striving to join the study of letters with the love of piety. From these pious exercises and the instruction in Christian doctrine, he prepared himself for the reception of the sacred mysteries, which he also received in the school where adults and even married people were present.

[*Latin ed. p. 699*]

According to the Sacred Rites, number 699, they were fitting examples of fortitude and justice, as well as witnesses to gentleness and patience. Having faithfully observed the precepts of God and the Church, and the obligations of his state, this good farmer sowed good seed in his field: and at the opportune time, it produced much fruit, both in religious and ecclesiastical vocations, which he himself, always intent on promoting the glory of God and the salvation of souls, fostered and encouraged. Finally, Father Benildes, having reached the age of seventy-five years, and afflicted by a long and grievous illness, fortified with all the sacraments of the Church, as he had requested, breathed his last in the town of Sarigues on August 13th, in the year 1862. His body was placed in the church of that town, and attracted a large multitude of people to his funeral and burial. Each one eagerly sought to obtain a piece of his clothing, and to publicly attest to his excellent virtues. The fame of these virtues, both before and after his death, of the Servant of God, grew so much that an Ordinary Informative Process was instituted in the ecclesiastical court of Ancona, and this cause was presented to the Congregation of Sacred Rites in this City. Afterwards, since nothing hindered the introduction of the cause, according to the decree of

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the aforementioned Sacred Congregation of May 13th, 1901, and December 13th, 1902, at the urgent request of Reverend Father Robustiano, Procurator for the Christian Schools of the Congregation of Brothers, and General Postulator, and with consideration given to the postulatory letters of several Eminences, Cardinals, Roman prelates, and other men of dignity, whether ecclesiastical or civil, Eminence and Reverend Cardinal Dominic Ferrata, Relator of this Cause, in the ordinary meetings of the Sacred Congregation, held at the Vatican on the date indicated, proposed the following question for discussion: "Should a Commission for the Introduction of the Cause be appointed in this case, and for the purpose of which we are speaking?" Furthermore, the Most Reverend Fathers, Prefects of the Sacred Rites, after the report of the Eminent Relator, having heard the voice and the written opinion of Reverend Father Alexander Verde, Promoter of the Holy Office, and having carefully considered all matters, judged it fitting to respond: "Affirmatively, that is, a Commission should be appointed, if it pleases the Most Holy." On April 21st, 1903. 3. Afterwards, these matters were reported to Our Most Holy Lord Pope Leo XIII by the Cardinal Prefect of the Sacred Rites Congregation, and His Holiness ratified and confirmed the Rescript of the aforementioned Sacred Congregation.

[*Latin ed. p. 700*]

700 FROM THE SACRED CONGREGATION, it has been deemed fitting to sign the document concerning the introduction of the cause of the venerable servants of God, Brother Benildis, of the Congregation of the Brothers of Christian Schools, on the 2nd of the same month and year. SERAPHINUS CARDINAL CRETONI, Prefect. L. * S. f. DIOMEDES PANICI, ARCHBISHOP OF LAODICEA, Secretary. DIARY. On the 12th of May, 1903, in the Apostolic Palace of the Vatican, before His Holiness Pope Leo XIII, there was held a general Congregation of the Holy Office, in which the Eminent Cardinals and the Reverend Officials and Theological Consultants gave their opinions on the question of the heroic degree of virtues in the cause of beatification and canonization of the venerable servant of God, Mary Magdalene Postel, foundress of the Institute of the Sisters of Christian Schools of Mercy. On the 9th of June, 1903, before the Eminent and Reverend Cardinal Dominic Ferrata, Promoter of the Cause of Canonization of the Blessed Clement Hofbauer, professed priest of the Congregation of the Most Holy Redeemer, there was held a preparatory Congregation of the Holy Office, in which the Reverend Prelates and Theological Consultants gave their opinions on two miracles, which are said to have been wrought by God through the intercession of the aforementioned Blessed One, and which are also proposed for canonization. On the 16th of June, 1903, in the Apostolic Palace of the Vatican, with the participation of the Eminent and Reverend Cardinals, etc., and with the votes of the Reverend Prelates and Officials, a particular Congregation of the Holy Office was constituted, in which

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the question concerning the martyrdom and the cause of the venerable servants of God, Mark Crisim, Canon.

[*Latin ed. p. 701*]

FROM THE SACRED CONGREGATION, number 701, of Strigonia, concerning the cause of the venerable Stephan Pongracz and Melchior Grodeez, priests of the Society of Jesus, who were martyred in Gassovia for the sake of the faith by heretics; also concerning the examination of the virtues of the Venerable Servant of God, Joseph Pignatelli, a priest of the same Society. On the 30th of June, 1903, in the Apostolic Palace at the Vatican, with the presence of Illustrious and Reverend Cardinals, and with the vote of the Reverend Prelates, Officials, and Theological Consultants, a meeting of the Sacred Congregation was held, preparatory to discussing two miracles, which are said to have been wrought by God through the intercession of the Venerable Servant of God, Gaspar del Bufalo, Canon of the Basilica of Saint Mark in the City, and Founder of the Congregation of Missionaries of the Precious Blood of Our Lord Jesus Christ; which miracles are presented for the purpose of his Beatification.

FROM THE DECREE OF THE SACRED CONGREGATION FOR INDULGENCES AND SACRED RELICS, by which it is granted to the Sodalities of the Blessed Virgin Mary Immaculate in Gallus to perform devotions and gatherings outside the seat of the institution.

Most Blessed Father, Augustine of Venice, Pro-Procurator General of the Congregation of Missions, humbly prostrates himself before Your Holiness, and presents the following:

The Sodalities of the Blessed Virgin Mary Immaculate, commonly known as "The Daughters of Mary," instituted among the aforementioned Sisters of the Institute of Saint Vincent de Paul, suffer a considerable detriment from the lack of a suitable place where they can, under the guidance of their Sisters, perform their devotions to the Most Blessed Mother, and also...

[*Latin ed. p. 702*]

702 FROM THE SACRED CONGREGATION CONCERNING INDULGENCES: Functions pertaining to the Sodality, such as meetings, elections of officials, reviews, etc. To safeguard, therefore, these Sodalities, which bring forth so much fruit for eternal salvation through the grace of our Lord, the humble petitioner, in the name of his Superior General, earnestly implores that the aforementioned Sodalities may continue, without detriment to the indulgences with which they are endowed, their customary devotions, as well as their established functions, either in the parish church, within the ambit of which their house was suppressed or is to be suppressed, or, if it can be done more conveniently, in other houses of Sisters, which may perhaps have escaped suppression in those same places.

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And God, etc. The Sacred Congregation for Indulgences and Sacred Relics, making use of the faculties granted to it especially by the Most Holy Pope Leo XIII, benignly approves the aforementioned request, provided that the transfer of these Sodalities be done with the consent of the Ordinaries. Notwithstanding any objections to the contrary. Given at Rome, from the Secretariat of the same Sacred Congregation, on this 29th day of April, 1903. A. CARD. TRIPEPI, Prefect. L. * S. f FRANCISCUS SOGARO, Archbishop of Amiden, Secretary. DECREE FOR THE CITY AND THE WORLD concerning the indulgences granted to those who recite the prayer "O Jesus, my Savior and Redeemer, etc." Not long ago, a certain leaflet, written in the German language and then translated into French, appeared first in Vienna, and then in Paris, containing, in order to repress the schismatic efforts of a certain sect called "Los von Born," the aforementioned prayer, which begins with the words "O Jesus, mein Heiland und Erlöser, etc.," and which also contains the following notice: "His Holiness Pope Leo XIII has granted to all the faithful who recite this prayer with devotion, three hundred days of indulgence; and by virtue of a Rescript of the 27th of October, 1902, a plenary indulgence is granted to all who have recited the aforementioned prayer and have been properly disposed; which indulgence may be applied to the souls in Purgatory."

[*Latin ed. p. 703*]

From the Sacred Congregation for Indulgences, 703: The following question was proposed: Whether, indeed, such a plenary indulgence can be obtained once a day, as is stated in the prayers: "O Jesus, most good and most sweet, etc.," or whether it is true only once a month? Furthermore, the Sacred Congregation for Indulgences and Sacred Relics, having considered the documents of February 15th and October 27th of the year 1902, in which the aforementioned prayer was attached, declares: To all the Christian faithful who devoutly recite the prayer, which, translated into the Italian language, reads as follows: "O Jesus, my Savior and Redeemer, Son of the Living God, behold us, prostrate at your feet, we ask for your forgiveness and we make an act of reparation for all blasphemies against your holy Name, for all the injuries that are inflicted upon you in the Most Holy Sacrament of the Altar; for all irreverences towards your most holy Mother, the Immaculate Virgin; for all calumnies against your Bride, the Holy Mother Church. O Jesus, you said: Whatever you shall ask the Father in my Name, he will give it to you; we pray and beseech you for our brothers who are in danger of sin, that you may preserve them from the temptations of apostasy, and save those who are already on the brink of the abyss, grant to all the light and understanding of the truth, courage and strength in the fight against evil, perseverance in the faith, and active charity. Therefore, most merciful Jesus, we pray to God, your Father, in your Name, with whom you live and reign in union with the Holy Spirit, forever and ever. Amen."

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The following indulgences, also applicable to the deceased, were granted by the Most Holy Pope Leo XIII, namely:

*) The Latin version, for the benefit of those who do not know the Italian language: "O Jesus, Savior and Redeemer of mine, Son of the Living God, behold us, prostrate at your feet, we ask forgiveness from you and we perform an act of reparation for all blasphemies against your holy Name, for all the injuries which are inflicted upon you in the Most Holy Sacrament of the Altar; for all irreverences against your most holy Mother, the Immaculate Virgin; for all calumnies against your Bride, the Holy Mother Church. O Jesus, you who said: Whatever you shall ask the Father in my Name, this I will do, we pray and beseech you for our brothers who are in danger of sin, that you may preserve them from the allurements of apostasy, save those who are standing on the edge of the abyss, grant to all the light and knowledge of the truth, strength and vigor in the battle against evil, perseverance in the faith, and active charity. Therefore, most merciful Jesus, we pray to God, your Father, in your Name, with whom you live and reign in union with the Holy Spirit, forever and ever. Amen."

[*Latin ed. p. 704*]

704 FROM THE SACRED CONGREGATION FOR INDULGENCES: 1°. Three hundred days, once a day; 2°. A plenary indulgence, granted once, provided that, during the entire month, they have recited the Rosary every day, and, provided that, within that same month, they have visited a church or public oratory, and have prayed piously for the intentions of the Holy See, while being contrite, having confessed, and having received Holy Communion. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 13th of May, 1903. A. CARD. TRIPEPI, Prefect. L. S. S. f FRANCISCUS SOGARO, Archbishop of Amiden, Secretary.

FROM VIENNA: A DECREE whereby it is declared that priests, even if not approved for hearing confessions, can be delegated to grant general absolutions and apostolic benedictions to Tertiary nuns. The Bishop of Orthosiensis, Auxiliary to the Most Reverend Archbishop of Vienna in Austria, in Austria, in relation to the Decree of the Sacred Congregation for Indulgences and Sacred Relics, issued in Bologna on the 11th of February, 1903, *) proposed the following question to be answered by the same Sacred Congregation: "Whether the Ordinary, under whose jurisdiction Tertiary nuns reside, can delegate a priest, to whom he has entrusted the hearing of the confessions of these nuns, to grant general absolutions and apostolic benedictions to the same nuns?" Furthermore, the Sacred Congregation, in order to answer the aforementioned question, decreed: "Affirmatively." Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 27th of May, 1903. A. CARD. TRIPEPI, Prefect. L. S. S. f FRANCISCUS SOGARO, Archbishop of Amiden, Secretary. *) The

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aforementioned decree may be found in this very volume, page 636.

[*Latin ed. p. 705*]

705. LEO XIII, Pope, lived 93 years, 4 months, 18 days. He presided over the Universal Church for 25 years, 5 months. He died on July 21st of the year 1903. THE FUNERAL EULOGY: Said at the burial of the body of Pope Leo XIII, and enclosed in the tomb. The Catholic world mourns, on this twentieth day of July of the year nineteen hundred and three, at four o'clock in the afternoon, Leo XIII, the Supreme Pontiff, passed away. Joachim Pecci was born in the town of Carpineti, in the diocese of Anagni, a noble place, on the second day of March of the year 1812; he was ordained a priest on February 20th of the year 1837. He diligently pursued the Supreme Pontificate for twenty-five years and five months, and throughout his long life, he accumulated a great number of praiseworthy deeds. It is difficult to recount the entire course of his life, and to enumerate individually all the great things he accomplished. He spent his adolescence deeply devoted to the studies of the humanities, and he was commended for his integrity, his cultivation of piety, and his progress, which was more than average. Having completed a rigorous course in philosophy, theology, and canon law, and having been honored with distinctions, he finally... *[The text is incomplete here.]*

[*Latin ed. p. 706*]

706 FUNERAL EULOGY. In the year one thousand eight hundred and thirty-seven, having been ordained to the priesthood, he devoted himself and all his possessions to the service and benefit of others. For first in Benevento, then in Brussels, and afterwards in various other places, he rendered distinguished services, earning the name of a most upright man. Although afflicted by the misfortunes of time, even in Aversa, he spared no effort to promote the welfare and glory of the Church. To summarize briefly what is known to the entire Catholic world, let us first mention his piety, with which he fostered the growth of religion, and upheld its dignity, promoting the glory of God, the honor of the Blessed Virgin Mary, and the worship of the saints. He repeatedly addressed letters to Christian princes, to the clergy, and to the people, exposing errors that were becoming increasingly pernicious, and he defended the truth with holy teaching. Remembering nothing for himself, but giving all to all, he commanded this of himself, and he pursued it, so that he might serve the Church with complete self-forgetfulness, for the honor of the Church, for the good of the faithful, and for the benefit of all. Even as he declined in age and was weakened by infirmity, he never ceased to undertake and pursue the most difficult tasks with the alacrity of his mind, the constancy of his will, the firmness of his faith, and the diligence of his knowledge, and he always brought them to a successful conclusion. Moreover, his remarkable con-

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stancy, the serenity of his countenance, and his steadfast faith in God, with which he bore all things, were truly admirable. He bore with admirable patience and with a spirit of devotion the premature death of many Cardinals, whom he held most dear, and whose wisdom and prudence he greatly valued. Having relinquished the positions which he had wisely prepared for himself, he faced new and perhaps even better opportunities with unwavering firmness of mind, a man to be admired more in adversity than in prosperity. Thus, in a few words, the great and numerous deeds of Leo XIII are summarized: a Pope whose goodness, the excellence of his mind, the integrity of his life, the sanctity of his morals, and whose every virtue, combined with his advanced age, were devoted to the growth of the Church of Christ, and whom, perhaps, no one will ever be able to equal.

[*Latin ed. p. 707*]

707 APOSTOLIC LETTERS from Pope Leo XIII to His Eminence Cardinal Sancha y Hervas, concerning the fostering of concord among the Spanish, and also concerning the establishing of diocesan associations.

LEO XIII, POPE. Beloved Son, Health and Apostolic Benediction. We have learned that a certain number of Spanish Bishops, under your leadership, recently held a gathering in Matriti, an event which has drawn our attention, as it is opportune for promoting the cause of Catholics. Our beloved Son informs us of these matters. We have learned with pleasure of these gatherings, since we have often publicly professed that nothing is more important to us than that Catholic men in Hispaniae should maintain the closest concord among themselves. Indeed, these esteemed gatherings clearly demonstrate that the Spanish Bishops not only agree with us on the necessity of concord, but also strive with all their efforts to restore unity of purpose among the faithful. That many Bishops should convene for counsel is, in itself, a fruit that cannot be denied to the Christian people, especially if it encourages them to abandon all their various opinions and judgments on matters that are not essential, if they wish to promote the interests of religion, which are greatly imperiled at present. Therefore, we earnestly desire that the Bishops of Hispaniae, with steadfast and unwavering resolve, publicly and openly maintain concord among all Catholics. For it will undoubtedly be the case that pastoral prescriptions will have greater force over the people, and that those things which are pleasing to God will be attained with less difficulty. Furthermore, in the aforementioned gatherings, we have learned of certain particular plans for associations in each diocese.

[*Latin ed. p. 708*]

708 APOSTOLIC LETTERS are to be sent to the association established in Madrid, as to its head, and it pleases us to pursue a judgment of this kind, wisely and opportunely conceived in Lodi: for we believe that it is

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useful for creating and establishing a consensus among all Catholics in Spain. Therefore, we are fully confident that all the Bishops of this nation will agree in council and opinion on this matter. However, we wish to present to you, who hold the highest position among the Bishops of Spain, the most important aspects of this undertaking, and of the regulations that will govern these associations. We are indeed commended to us by your zeal and your faithful devotion, so that you may need no further encouragement. Moreover, we urge you to raise and promote your modesty, and we gladly offer our assistance, earnestly exhorting you to undertake this work with a great and elevated spirit, and to be assured that all your associates will provide you with all the support that is necessary for your dignity. Since you, aware of human weakness, consider the need for divine help for this praiseworthy undertaking, we also implore God to be merciful to you, and we bestow upon you and the other Bishops of Spain, and upon all the faithful, the Apostolic Blessing, together with our paternal affection. Given in Rome, at St. Peter's, on the twenty-second day of March, in the sixty-sixth year of Our Pontificate.

April LEO XIII.

To Our beloved Son, Cyriaco Mariae, Tit. S. Petri in Monte Aureo, S. R. E., Presbyter, Cardinal Sancha y Hervas, Archbishop of Toledo.

In the year.

[*Latin ed. p. 709*]

709 LETTER from Our Most Holy Father Leo XIII, Pope, to the General Moderator of the Salesians, on the occasion of their gathering. Beloved Son, Greetings and Apostolic Benediction. You recently informed us of the imminent gathering of the Salesians from all parts of the world, and that, with the help of the Mother of God, it will be concluded with the solemn investiture of the insignia of the most holy Mother of God. We are pleased that this undertaking has taken place, since our beloved sons, Cardinals of the Church and pastors of dioceses, and men of the sacred clergy and the faithful, whose piety and virtue have been called upon to confer with you, offer a great reason for hope for good things. Our expectation is greatly strengthened by the patronage of the fruitful Virgin, whom the Salesian Society so earnestly desires: and therefore, we are confident that this will bring great benefit to the Church and, indeed, to the youth founded by you; may Mary, Mother and Virgin, protect and safeguard it. In the meantime, we impart the Apostolic Benediction, along with all heavenly graces, to you and to all those who will gather with you, with paternal affection. Given in Rome, at St. Peter's, on the tenth day of May in the year 1903, in the twenty-sixth year of Our Pontificate. LEO P. XIII. To the beloved son Michael Rua,

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General Moderator of the Salesian Society in Augsburg and Turin.

[*Latin ed. p. 710*]

710 APOSTOLIC LETTERS: By order of Pope Leo XIII, for the solemn celebration of the Fiftieth Anniversary of the Dogmatic Definition of the Immaculate Conception of the Blessed Virgin Mary, a special Commission of Cardinals was established.

My Lords Cardinals, From many places, it has been made manifest to Us the fervent desire of the faithful to celebrate, in an extraordinary manner, the Fiftieth Anniversary of the dogmatic definition of the Immaculate Conception of the Virgin. How readily We can imagine the ardor of this sentiment. The piety towards the Mother of God, not only has been among Our most tender affections since Our tender years, but it is for Us one of the most efficacious supports granted by Providence to the Catholic Church. In all ages, and in all struggles and persecutions, the Church has had recourse to Mary, and has always obtained comfort and defense from her. And since the times which are passing are so turbulent and full of threats for the Church itself, We rejoice in spirit and open Ourselves to hope in seeing the faithful, seizing the opportune occasion of the aforementioned Fiftieth Anniversary, wishing with one heart to turn to Her, who is the Help of Christians. Furthermore, the desired Fiftieth Anniversary is made dear to Us by the fact that We are the only surviving ones among those, whether Cardinals or Bishops, who formed the cortege around Our Predecessor at the time of the promulgation of the dogmatic decree. Therefore, since it is Our intention that the Fiftieth Anniversary celebrations should have that grandeur which befits this Our Rome, and that they should serve as a stimulus and a rule for the piety of Catholics throughout the world; We have determined to form a Cardinal Commission, to which it will belong to organize and direct them. We appoint you, My Lords Cardinals, as members of such a Commission. Confident that, with your wise care, you will fully satisfy Our wishes and expectations, We impart to you the Apostolic Benediction, a pledge of heavenly favors.

From the Vatican, 26th of May, 1903.

LEO XIII, POPE.

To Our beloved sons:
Cardinal VANNUTELLI MARIANO
Cardinal RAMPOLLA DEL TINDARO DOMENICO
Cardinal FERRATA GIUSEPPE CALASANZIO
Cardinal VIVES VINCENZO

[*Latin ed. p. 711*]

LETTERS APOSTOLIC 711 Here is appended an Appeal to the Catholics,

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as well as a General Program approved by the Cardinal Commission.

APPEAL TO THE CATHOLICS: How many children, filled with love for the Virgin and for the Catholic Church, will read without doubt with profound joy the Pontifical Letter reported above; in which the august Vicar of Jesus Christ, receiving with paternal affection the lively desires of the faithful, so tenderly invites the Catholic world to celebrate with extraordinary festivities the Fiftieth Anniversary of the dogmatic definition of the Immaculate Conception of the Virgin. To the Supreme Pontiff, who already did so much to increase in the faithful the cult of Mary, it has not been enough, in this Venerable Letter, the sweet appeal to those devoted affections of His tender years, among which fervent and constant piety towards Mary predominated; nor the so opportune reminder, in the present time of distress, that devotion to the great Mother of God has been in every age and is always one of the most valid safeguards granted by Providence to the Catholic Church; nor, finally, the noteworthy and almost grateful reference to the comfort and hope that, amidst so many trials, He infuses into the hearts of His children, with such ardent zeal of trust and love towards Her, who, by reason, is invoked as the Help of Christians, and who has so often already delivered the persecuted Spouse of Jesus Christ. But more than that, the great Pontiff, after reminding that He is the only one among those Cardinals and Bishops who more closely participated in the joys and triumphs of the proclamation of the Dogma, which makes the approaching fiftieth anniversary so dear to him; now He requests that, in the Basilica of Saint Peter, it be clearly declared that His will is that the approaching festivities be so extraordinary and so solemn, especially in Rome, that they bear the imprint of the greatness of this city, and that they be at the same time a stimulus and a rule for the piety of Catholics throughout the world in honoring, on this so beautiful and propitious occasion, the great Mother of God. It seems that the Pontiff of the Rosary, raising a confident gaze to Mary, after having been amorously celebrated in happy Jubilees by His beloved children, wishes to invite all of them to solemnly celebrate the Jubilee of the Immaculate Conception.

[*Latin ed. p. 712*]

712 Apostolic Letters are published, so that, through the efficacious intercession of Her, they may duly recognize the illustrious benefits, and so that, even in the most sorrowful times that occur, the Roman Pontificate may be consoled, and so that from the entire Catholic world may arise the hymn of glory and recognition; invoking Her, amidst the new struggles that arise, for salutary help. To ensure that the exalted intentions are effectively brought to fruition, His Holiness has deigned to establish a special Cardinal Commission, composed of the Cardinals Vincenzo VANNUTELLI, Mariano RAMPOLLA DEL TINDARE, Domenico FERRATA, and Giuseppe Calasanzio VIVES; to whom is entrusted the most important

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and noble task of properly organizing and directing the aforementioned solemn Fiftieth Anniversaries. Therefore, in order to respond worthily to such an august invitation, and at the same time to satisfy the ardent desires of their hearts, Catholics from every nation of the world must unite with one heart to prepare for the great celebrations; and with zeal and constant diligence, they must strive to implement in every possible way the following Program of Celebrations proposed by the special Cardinal Commission, confident that the Virgin, honored more and more each day and invoked with fervor, will finally obtain from God for our souls, for the Church, and for society, the longed-for days of prosperity and peace.

GENERAL PROGRAM APPROVED BY THE CARDINAL COMMISSION.

The principal celebrations that are intended to be promoted on the occasion of the Fiftieth Anniversary of the Dogmatic Definition of the Immaculate Conception of the Most Holy Mary are the following:

1. Solemn and special functions will take place in the Patriarchal Basilica of St. Peter in Rome, where the Dogma was proclaimed, and in the Patriarchal Basilica of St. Mary Major. Representatives from all nations of the world will be invited to attend these functions.

2. A Marian World Congress will be held in Rome during the celebrations, according to the rules that will be established in a special regulation.

[*Latin ed. p. 713*]

LETTERS APOSTOLIC 713 3. The establishment of a Marian Library; that is to say, a collection of publications concerning the Most Holy Virgin. These publications will be presented to the Supreme Pontiff as a tribute to the ingenuity and Christian piety devoted to the Mother of God, and will form in Rome a lasting monument of glory to the Most Blessed Mary. 4. Special missions will be held during the year 1904, as a fitting and devout preparation for the feasts in honor of the Immaculate Conception. 5. First Communions will be celebrated with the utmost care and with solemnity throughout the year 1904. 6. Spiritual exercises, especially for the members of the Catholic Associations, will be held in preparation for the feasts of December 1904. 7. Devout and numerous pilgrimages will be made to the most venerated shrines of the Most Blessed Virgin in the various countries during the year 1904. 8. Devotional services will be held on the 8th day of each month, beginning on December 8, 1903, for the purpose of better preparing the souls of the faithful for the great solemnity through prayer and the frequent reception of the Sacraments. In Rome, this service will primarily take place in the Patriarchal Basilica of Saint Mary Major; elsewhere, in those churches that will be designated in the individual places by the Ecclesiastical Authority. 9. Special prayers will be offered to the

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Virgin for the happy preservation of the glorious Pope Leo XIII, the only survivor among the Bishops and Cardinals present at the solemn definition. 10. Some special works of Christian charity will be proposed, according to the opportunities of the places; and also, solemn Masses will be offered for the souls in Purgatory, especially for those who were most devoted to the Most Blessed Virgin. 11. A solemn funeral office will be held in Saint Lawrence outside the walls of Rome, for the blessed soul of Pius IX, who defined the dogma. 12. Special honors will be rendered, in agreement with the "Collegium Cultorum Martyrum," to the earliest images of the Most Blessed Virgin, venerated in the Roman catacombs. 13. An appeal will be made to the various religious orders, and to the various confraternities and pious institutions, both male and female, so that they may perform special acts of piety in honor of the Immaculate Conception; and that they may lend their willing cooperation.

[*Latin ed. p. 714*]

714 APOSTOLIC LETTERS will commemorate local and general feasts and works, by which the happy event will be celebrated. 14 Other proposals for works or celebrations may be added to those indicated in this General Program, both for the entire Catholic world, and especially for Rome. However, all Catholic institutions that intend to undertake initiatives of a general nature, that is, extended to the entire world, and to be carried out outside of their own sphere, before proposing them publicly, will take care to obtain their approval from the Cardinal Commission.

GIACOMO, Secretary of the Cardinal Commission. Rome - Feast of Pentecost - May 31, 1903.

To implement what is proposed in this General Program, a special Central Committee has been established in Rome, to which various Committees may be affiliated, which will be constituted in the various countries of the world. This Central Committee will, in its turn, correspond with these Committees themselves, especially for those matters that will be carried out in Rome with a worldwide character. At the head of it is the Cardinal Commission designated by the Holiness of Our Lord Pope Leo XIII, of which Mgr. Giacomo Radini-Tedeschi, Domestic Prelate of His Holiness, Canon of St. Peter's, is Secretary. Dependent on this is an Executive Commission, formed by the Circle of the Immaculate Conception of Rome, and assisted by representatives of the principal Catholic Societies in Rome. The Executive Commission will publish its own periodical, entitled *L'Immacolata*; which, in addition to containing the Acts of the Central Committee, will take care to provide the appropriate information and to promote in the most effective way what will be useful for the purpose.

FOR THE EXECUTIVE COMMISSION

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The Circle of the Immaculate Conception.

TOLLI, Comm., Honorary President.

FOLCHI, Cav., Effective President.

TEI, Carlo, General Secretary.

Mons. G. RADINI-TEDESCHI, Ecclesiastical Assistant.

[*Latin ed. p. 715*]

APOSTOLIC LETTERS 715. Correspondence for the Cardinal Commission and offerings intended for the festivities should be sent to Mons. Radini Tedeschi (Corso V. E., 21, Rome). The seat of the Executive Commission, and the offices of the periodical *L'Immacolata*, are located in the premises of the *Circolo dell'Immacolata*, at via Torre Argentina, no. 76, Rome.

In Latin: Most Eminent Lords,

As the desires of the faithful from all places burn with fervor to celebrate the fiftieth anniversary of the dogmatic definition of the Immaculate Conception of the Blessed Virgin Mary with extraordinary solemnities, how greatly we are affected by this, it is easily understood. The piety of God's people has not only gently touched our heart, but it also provides us with a most powerful support, a defense granted to the Catholic Church by divine Providence. The Church has always fled to the Blessed Virgin in all persecutions and struggles, and has always experienced her favor and patronage. But now, as the times for the Catholic Church are filled with sadness and dangers, we are pleased and hope that the faithful, seizing the opportunity of this jubilee, will turn to the help of Christians with a united hope and love. And so, although we are above all others, whether Cardinals or Bishops, whose support our Predecessor had when he pronounced the dogmatic decree, this, in order to make the celebrated solemnity more pleasing to us, happens. Therefore, since we desire that this jubilee festival be characterized by magnificence and splendor, in a manner befitting this our city, and that it may serve as an incentive and encouragement to the piety of all Catholics throughout the world, we have decided to establish a Cardinal Commission, to whom the task is entrusted of organizing and directing these matters. We choose you, Most Eminent ones, as members of this Commission; and we are confident that, with your wisdom...

[*Latin ed. p. 716*]

716 APOSTOLIC LETTERS: With diligence, may you fulfill our common desires, and we impart to you the Apostolic Blessing, and, through the patronage of divine graces, we grant it to you in the Lord. From the Vatican, on the 26th of May, 1903. LEO XIII, POPE. To Our beloved sons, Cardinals of the Holy Roman Church: VINCENTIO VANNUTELLI, MARTANO RAMPOLLA DEL TINDARO, DOMINICO FERRATA, JOSEPHOCALASANCTIO, VIVES. ADDRESS TO THE CATHOLICS: All most beloved sons of the

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Virgin Mary and of the Catholic Church will, with great joy, undoubtedly read these Apostolic Letters, in which the august Vicar of Jesus Christ, receiving the sentiments of the faithful with paternal affection, calls upon the Catholic world to celebrate, with extraordinary solemnities, the Fiftieth Anniversary of the dogmatic definition of the Immaculate Conception of the Blessed Virgin Mary. The true desires of the Supreme Pontiff, who has striven greatly to increase the devotion of the faithful towards the Virgin Mary, are fully satisfied in this venerable Epistle, whether it be a sweet remembrance of the tender affections of His youth, among which shines a fervent and steadfast piety towards the Blessed Virgin; or whether it be a timely reminder, in the present difficulties, that the devotion to the Mother of God has always been and is one of the most powerful defenses granted by divine Providence to the Catholic Church; or finally, whether it be a benevolent and welcome sign of solace, received by Him from His sons amidst these calamities, inspiring unity of spirit and faith towards the Virgin, who is rightly and deservedly invoked as the Help of Christians, and who has delivered the Church of Jesus Christ, time and again, from the most grievous afflictions. Indeed, this illustrious Pontiff, after having seen all the Cardinals and Bishops who had a great part in the joys of the Dogmatic Definition and its triumphs, merit to be the sole survivor, which is what He most desires for this solemnity.

[*Latin ed. p. 717*]

The APOSTOLIC LETTERS (LITTERAE) number 717, and desire that the solemnity be observed; moreover, seated upon the chair of Peter, He intends that, especially in Rome, the approaching feast be celebrated with great solemnity and in an extraordinary manner, so that it may enhance the magnificence of this illustrious city, and that, as a most opportune and favorable occasion, it may be an encouragement and a model for the piety of the entire Catholic world. In order that this may be achieved more effectively, His Holiness has instituted a special Cardinal Commission, consisting of Cardinals Vincent Vannutelli, Mariano Rampolla del Tindaro, Dominic Ferrata, and Joseph Calasanctio Vives; to whom the most important and noble task is entrusted of properly arranging and directing these solemn festivities. Therefore, in order to comply with this most august invitation, and to fulfill their own desires, all Catholics of the world should unanimously come together, so that they may prepare for the magnificent celebrations, and with a diligent and constant effort and study, they may strive to bring about, in the best possible way, the following Program of Festivities drawn up by the special Cardinal Commission: trusting that the Virgin, so great and honored, and so fervently invoked, will finally obtain for us, for our souls, for the Church, and for Society, the desired days of prosperity and peace.

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GENERAL PROGRAM APPROVED BY THE CARDINAL COMMISSION:

The principal celebrations to be held on the occasion of the Fiftieth Anniversary of the Dogmatic Definition of the Immaculate Conception of the Blessed Virgin Mary are as follows:

1. Solemn and special functions will be held in the Patriarchal Basilica of St. Peter in the City, where the dogma was defined, as well as in the Patriarchal Basilica of St. Mary Major; to which Commissions will be invited from each region of the entire world.

2. A Universal Marian Congress will be held in Rome, on the occasion of the Feast, according to the norms established in the aforementioned statutes.

3. A Marian Library, encompassing all publications concerning the Blessed Virgin, will be constructed; which will then serve as a tribute to the Mother of God from the Christian world.

[*Latin ed. p. 718*]

718 Apostolic Letters should be presented to the Pontiff, and the Basilica of the Most Holy Mary in Rome will be a perpetual monument to her glory. 4. Sacred Missions, during the year 1904, should be undertaken as a fitting and devout preparation for the feasts in honor of the Immaculate Virgin. 5. First Communions, during the same year, should be celebrated with the greatest preparation and solemnity. 6. Spiritual Exercises, in preparation for the feasts of December 1904, will be proposed, especially to the members of Catholic Associations. 7. Devout and frequent pilgrimages will be made during the same year to the principal shrines of the Virgin Mary in various regions. 8. Devout functions will be performed on the eighth day of each month, beginning on December 8, 1903, so that the faithful, through prayer and the frequent reception of the Sacraments, may be disposed for the great solemnities. In Rome, this function will be held especially in the Patriarchal Basilica of Saint Mary Major; elsewhere, in those churches which the ecclesiastical authority shall determine for each place. 9. Special prayers will be offered in honor of the Blessed Virgin for the happy preservation of the glorious Pontiff Leo XIII, the only survivor of all the Bishops and Cardinals present at the solemn definition. 10. A particular work of Christian charity, according to the opportunities of each place, will be proposed; and solemn prayers will be offered for the souls in Purgatory, especially for those who have shown greater devotion to the Blessed Virgin. 11. A solemn funeral Mass will be celebrated in the Church of Saint Lawrence outside the walls for the soul of the late Pope Pius IX, who defined the dogma. 12. Special honors, under the auspices of the "College of Cultors of Martyrs," will be paid to the ancient images of the Most Holy Mary, which are venerated in the Roman catacombs. 13. An appeal will

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be sent to religious Orders, confraternities, and pious institutions, of both men and women, to undertake special acts of piety in honor of the Blessed Virgin, and to participate with zeal in the local and general festivities, by which this sacred and happy event will be commemorated. 14. Other works or festivities may be added to those proposed in this General Program, either for the entire Catholic world, or especially for Rome.

[*Latin ed. p. 719*]

APOSTOLIC LETTERS 719. All Catholic institutions which, through works of a general nature or concerning the common good, wish to operate outside their proper sphere, will take care to obtain the approval of the Cardinal Commission beforehand. JAMES RADINI-TEDESCHI, Secretary of the Cardinal Commission. Rome, on the feast of Pentecost, May 3, 1903. In order that this General Program may be carried out effectively, a Central Committee has been established in Rome, to which other committees can be affiliated, established in various regions. The Central Committee will communicate appropriately with these committees, especially concerning matters to be carried out with universal solemnity in Rome. This is overseen by the Cardinal Commission, established by the Most Holy Pope Leo XIII, whose Secretary is the Reverend James Radini-Tedeschi, Domestic Prelate of His Holiness, Canon of the Basilica of the Vatican. Under this is the Executive Commission, established by the Roman Society of the Most Holy Immaculate Conception, and assisted by the principal Catholic Societies of Rome. The Executive Commission will publish its own periodical, entitled *L'Immacolata*, which, in addition to the acts of the Central Committee, will provide appropriate information and, in a more effective manner, will promote what is beneficial to the cause.

FOR THE EXECUTIVE COMMISSION:

Society of the Most Holy Immaculate Conception.

TOLLI EQUES FOLCHI TEI

R. TORQUATUS EQUES CAROLUS

D. IACOBUS PIUS

PHILIPPUS
President
Secretary
Honorary President
Effective General.

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RADINI-TEDESCHI, Ecclesiastical Assistant.

Communications with the Cardinal Commission and offers for the festivities should be sent to the Reverend Radini-Tedeschi (Corso V. E., 21, Rome). The seat of the Executive Commission and the administration of the periodical *L'Immacolata* are located in the buildings of the Society of the Most Holy Immaculate Conception (via Torre Argentina, 76, Rome).

[*Latin ed. p. 720*]

720 ACTA OF THE ROMAN CONGREGATIONS: From the Decree of the Sacred Congregation of Bishops and Regulars concerning the approval of the Constitutions of an Institute. "Of the Brothers of Carmel, dedicated to Teaching," which, in the year of Our Lord 1892, was canonically erected in the Archdiocese of Tarragona, and is commonly known as "Hermanos Carmelitas de la Enseñanza." For many years, it has been a source of great religious benefit. The Reverend Father Francisco Patauy was the founder. The particular purpose assigned to the members of this Institute is this: that they, first and foremost, dedicate themselves to the sanctification of their own souls, observing the vows of obedience, poverty, and chastity, and strictly adhering to the Constitutions; then, diligently applying themselves to the instruction and education of children and, when necessary, of young people. All of their life is conducted in perfect community, under the guidance of a General Moderator, and with a proper novitiate, after which they solemnly renew their vows, first temporarily, and then perpetually, through a simple rite. Furthermore, the labors of these members have always been pleasing to God, so that they have brought forth not a small abundance of fruit, and have glorified the same God, and have contributed greatly to the salvation of souls. When the aforementioned General Moderator, having been suitably instructed and commended, humbly supplicated His Most Holy Lord, Pope Leo, of Divine Providence, Pope XIII, that the Institute itself and the Constitutions by which it is governed might be granted Apostolic approval, His Holiness, having carefully considered all aspects of the matter, in an audience held with the undersigned Cardinal, Prefect of the Sacred Congregation of Bishops and Regulars, on March 17, 1902, deigned to approve and confirm the aforementioned Institute with its Constitutions, as the Congregation of the Vows, under the guidance of a General Moderator, is established.

[*Latin ed. p. 721*]

By the tenor of Decree 721 of the Most Holy Congregation of Bishops and Regular Canons, it is benignly approved and confirmed, saving the jurisdiction of the Ordinary, according to the form of the Holy Canons and the Apostolic Constitutions. Given in Rome, from the Secretariat of the aforementioned Most Holy Congregation of Bishops and Regular Canons, on the 17th day of March, 1902. Fr. H. M. CARD. GOTTI, Prefect. L. * S. A.

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BUDINI, Under-Secretary.

BELLOVACEN. DECREE. The dispensation of vows for nuns of purely diocesan institutions pertains to the Ordinary, under whose jurisdiction each house is found.

To the Most Holy Congregation of Bishops and Regular Canons, the following question, concerning the dispensation of vows, was proposed by the Moderators of certain purely diocesan institutions: "Whether the dispensation of vows for nuns of filial houses existing within a diocese is different from that which pertains to the principal house, whether it pertains to the Ordinary of the filial house, or rather, to the Ordinary of the principal house."

The Most Holy Congregation, having heard the vote of the Consultors, and attentive to the Constitution "Conditae a Christo Ecclesiae" (1), ordered that the following be answered: To the first question, Affirmative. To the second question, Negative.

Given in Rome, from the Secretariat of the same Most Holy Congregation, on the 21st day of April, 1903. D. CARD. FERRATA, Prefect. L. * S. Phil. GIUSTINI, Secretary.

(1) This Apostolic Constitution, which almost alone governs religious institutes with simple vows, may be found in Volume XXXIII, page 541. Acts, Volume XXXV, section CDXX, 46.

[*Latin ed. p. 722*]

722 FROM THE DECREE of the Holy See, concerning Bishops and Religious Orders, regarding the approval of the Institute of the Sisters "of Saint Joseph, Spouses of the Blessed Virgin Mary," in the year of Our Lord 1872, through the work of the noblewoman Caesarea Esparza y Davalos, under the auspices of the Reverend Father Joseph Maria Vilaseca in the Archdiocese of Mexicana, with the approval of the Archbishop, the Institute of the Sisters of Saint Joseph, Spouses of the Blessed Virgin Mary, was founded. These Sisters, having a particular purpose, strive, for the greater glory of God, first for their own sanctification, observing the vows of obedience, poverty, and chastity, and adhering strictly to the Constitutions, and then, as far as their strength allows, for the salvation of their neighbors through the education of young girls and, in mission territories, where circumstances require it and the Bishop desires it, through other works of charity. All of them live a perfectly common life, under the governance of a General Mother, who is elected every six years, and they pronounce the aforementioned three vows, first temporarily, and then perpetually, through a simple rite. Indeed, this kind of Institute has not lacked, from its very beginning, trials; but, with the help of the generosity of all the good, the Sisters have certainly proven to be successful, so much so that they have not only yielded very salutary fruits, but have also been able to

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canonically erect houses in fourteen dioceses. When the General Mother and the General Council recently humbly supplicated His Holiness Pope XIII, that the Institute itself and its Constitutions might be approved with Apostolic authority; the Sacred Prelates, to whose dioceses the aforementioned Sisters belong, and His Eminence and Most Reverend Joseph Calasanctius, Cardinal Vives y Tuto, Protector of the Institute, did not hesitate to give their letters of support to commend their petition. Therefore, His Holiness, having maturely considered the matter, and especially the commendations in the aforementioned letters of the aforementioned Prelates and the Eminence Protector, in an audience held with the undersigned Cardinal Prefect of the Sacred Congregation of Bishops and Religious Orders, on May 18, 1903, most highly praised and commended the Institute itself, so that the Congregation of Simple Vows, under the governance of a General Mother, was deemed worthy to be approved and confirmed, as is approved and confirmed by the tenor of the present decree, with due regard for the jurisdiction of the Ordinaries, to.

[*Latin ed. p. 723*]

FROM THE MOST HOLY ORDINARY AND REGULAR CANONS, 723, concerning the form of the Canons and the Apostolic Constitutions; the opportune time for the approval of the Constitutions is extended. Given in Rome, at the Secretariat of the aforementioned Sacred Congregation of Bishops and Regulars, on the 27th of May, 1903. D. CARDINAL FERRATA, Prefect. * FATHER PHILIP GIUSTINI, Secretary.

SUMMARY OF CAUSES.

On the 13th of June, 1903, the Sacred Congregation of Bishops and Regulars was held in the Apostolic Palace at the Vatican, in which, among other things, the following questions were proposed, according to the custom of the same Sacred Congregation, to be discussed according to law; and which were resolved in the following manner.

I. CONCERNING TERRACINE. – REGARDING THE RENT. – CONCERNING THE PAYMENT.

Q. Whether and from whom the sum of 300 livres, paid by the aforementioned Lord Mangoni, is due, which he paid upon the actual renting of the garden, for the improvements made therein by the Bishop of Bergamo; and also, whether a certain other sum is due for improvements made therein by the same Mangoni in that case.

A. The sum of 300 livres is due from the Bishop of Bergamo; and, as for the compensation for other improvements, the amount, to be assessed by an expert, is to be paid by half by the Bishop of Bergamo, and by the other

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half by the Bishop of Ambrose.

II. CONCERNING ALBA POMPEIANA. – REGARDING THE RIGHTS.

Q. 1. Whether and in what manner is the custom maintained in the Vicariate of Clarasco, in the diocese of Alba, by virtue of which only the Protopriest holds the right of Saint Peter concerning the baptismal font at Manzaro on Holy Saturday?

[*Latin ed. p. 724*]

724 FROM THE SACRED CONGREGATION, EPISCOPAL AND REGULAR: It is decreed that [the superiors] bless [the new altar], and all the other eleven parish vicars must go to the parochial church of Saint Peter to receive [the blessing]. And concerning the matter: 1. Is it permissible? 2. Is the custom introduced by the superiors of Saint Peter, of not distributing the new oil to the parish vicars except after the Gloria of the Mass on Holy Saturday, to be maintained? Answer: Affirmative to both. III. MENDALEN - CREDITS. QUESTION. 1. For what sum is the priest Lassota, parish priest of Saint Sylvester in the city of Sutri, a creditor towards the Pro-Vicar General of the diocese of Menden, the Archpriest Canon Rossetti, in this case? 2. What resolutions should be taken in this case? Answer: To 1, Negative. To 2, Write to the Bishop of Menden: that the sum of 228.53 florins, deposited with the Episcopal Curia of Menden, by the Archpriest Canon Rossetti for the purpose of obtaining the restitution of the sanctuary withheld by the Misericordia, should be given; and that the priest Lassota should be ordered by the Bishop of Sutri to render an account of the remaining sum received from the pious benefactor for said purpose; and that he should be forbidden to appeal to a secular judge, under penalties to be imposed at the discretion of the Sacred Congregation. IV. SAINT JAMES OF CHILE - JURISDICTION. QUESTION. 1. Does the priest Francis Xavier Ruiz Tagle have the right of passive patronage over the Chapel of Tagle, as well as the administration of the goods pertaining to it, and to the pious work in this case? Answer: To 1, Affirmative. To 2, Affirmative, under the prudent vigilance of the Bishop.

[*Latin ed. p. 725*]

725 FROM THE HOLY CONGREGATION FOR THE CAUSES OF CANONIZATION, THROUGH SUMMARY PROCEEDINGS, No. 11. TREVISO: COLLATION OF BENEFICES (1) On May 16, 1903. Summary of the Case. The Chapter of the Cathedral Church of Treviso, as evidenced by its Chapter Constitutions, customarily exercised the election of Canons. However, after the overthrow of the governments in France, the rights of the Chapter were entirely altered. Subsequently, in the year 1855, with the commencement of the Concordat between Pope Pius IX and the Emperor of

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Austria, it was stipulated that the election of Canons should be carried out by the Austrian Emperor, while nevertheless preserving the canonical institution always granted to those elected by the Chapter. Furthermore, the Chapter of Treviso possessed the right to present and institute a Canon Vicar with spiritual charge in the Cathedral Church; as well as to elect and institute Rectors without spiritual charge; and to elect Parish Priests, after a prior examination of their suitability, conferring upon them not only the institution to the title, but also a valid authorization. However, in the year 1866, when the Italian government succeeded the Austrian administration in these provinces, the collation of benefices was restored to the ordinary officials. Then, the ancient right, which was in force before the overthrow of the governments in France, was restored. (1) Cf. Summary of Causes in the preceding volume, page 689, No. II.

[*Latin ed. p. 726*]

726 It was deemed more fitting for the decrees of the Holy General Council to continue to be observed; or, at the very least, whether they still held validity, has been questioned. Therefore, today, the Capitular Church of Tarvisinae, through a humble petition, presents three requests to this Sacred Congregation: 1. That the faculty for alternative collation be granted, by virtue of which the Bishop and the Chapter alternately confer capitular benefices; 2. That the vacations from the service of the choir, granted by the Capitular Constitutions for only two months, be extended to three months; 3. Whether the Chapter can, during the months reserved for the Bishop, exercise its right by appointing a vicar authorized in the name of the Bishop, or rather, whether it should wait until the Bishop obtains this faculty from the Apostolic See.

OBSERVATIONS OF THE CHAPTER

The humble petition of the Chapter, which the Bishop fully and in all respects commends, is divided into three parts, according to the three heads of the requests. Regarding the first part, the Constitutions of the Chapter relating to the collation of benefices are cited, which are as follows: "The election of the Dean, as the highest office, belongs to the Holy See, as well as to the Supreme Emperor of Austria, in accordance with the Roman Pontiff (title I, § 2);" "The elections of the Canons have always been made by the Chapter; by the most recent laws and the praised Austrian agreement, it has been established that the elections are confirmed by the Supreme (Austrian) Emperor; however, the canonical institution is always granted to the elected by the Chapter, and will always be granted in the future, as the Sacred Congregation has decreed on November 27, 1856 (title I, § 4);"

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"The Chapter proposes to the Bishop the name of one or three..."

[*Latin ed. p. 727*]

FROM THE SACRED COUNCIL, 727, concerning the examination of priests for suitability for the care of souls in the Cathedral Church, under the title of Inamovibilis Vicar, and with the right to provide a canonical position attached to this office; nevertheless, according to the most recent practice of the Supreme [Authority] of Austria, it will be for [that Authority] to choose the parish priest after the examination of suitability (title VII). Furthermore, the Chapter adds that, given the particular circumstances of that time, in the decree of the Sacred Congregation of the Council, dated June 15, 1858, it is written: "When proposing clerics for the canonical positions of the Cathedral Church [of Austria], the Bishop is not bound by the vote of the Chapter, not even for consultation." With these things established, the Canons observe that, after the Emperor of Austria abdicated these provinces in 1866, the following practice was introduced: the Bishops, in order to avoid any question, either proposed priests to the Supreme Pontiff for selection; or, according to the circumstances, they met with the Chapter regarding the priests to be proposed and selected; or, at the very least, they sought agreement from the Chapter. Now, however, in order to have a more defined and secure norm in the Constitutions, the Bishop and the Chapter unanimously request, through this Sacred Congregation, that the Supreme Authority would deign to remove all doubt, establishing that, except for the Dean, whose election always pertains to the Pope, all other Canons, as well as the Inamovibilis Vicar, or Cathedral Parochial Vicar, will henceforth be chosen alternately, first by the Bishop and then by the Chapter. Regarding the second part of the petition, both the Bishop and the Chapter jointly request from the Apostolic See that, excluding the Inamovibilis Vicar of the Cathedral, who, according to common law, can only be vacant for two months, the vacations from the service of the choir, granted for only two months according to the Capitular Constitutions (title II, § 2), be extended, according to common law, to three months. The reason for this grace lies in the fact that, for many Canons, due to the needs of the diocese and the state, as well as due to the scarcity of priests, the office of...

[*Latin ed. p. 728*]

728 From the teaching of the Sacred Council, it is demanded that seminaries be established in each diocese; therefore, greater diligence and relaxation of spirit are required. Regarding the third point, namely, concerning the establishment of a titular canonry, the Capitular Constitutions, which are brought forward in this matter, state as follows: "Furthermore (Capitulum Tarvisinum), it has the right both to elect and to institute Rectors without the care of souls; and to elect Parish Priests, after a prior examination of their suitability, and to confer upon them not only a titular institution,

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as they say, but also an institution that is authorizable (or a delegation for the care of souls), as demanded by the Apostolic See." "Once the election of the Dean is complete, the Dean, acting as the Bishop's vicar, confers the authorizable institution, granted by the Apostolic Indult (that is, by the decree of the Sacred Congregation of the Council of June 15, 1858), upon the elected candidate, always mentioning this concession in each instance." Now, the Capitulum argues, it is possible that a Parish Priest is elected, and a titular institution is conferred upon him, not only, but also an authorizable institution, conferred by the Dean acting as the Bishop's vicar, during papal months for the Bishop who has obtained an alternative collation from the Holy See. In this case, how should the Capitulum proceed? Can the Capitulum exercise the Apostolic privilege, namely, by conferring an authorizable institution upon the Dean acting as the Bishop's vicar, before the Bishop has obtained this faculty from the Supreme Pontiff? Or rather, is the Capitulum obliged to wait until the Bishop obtains this faculty from the Pope? Concerning this matter, the Canons of Tarvisiae also request a solution to this doubt.

OBSERVATIONS FROM THE OFFICE: Regarding the first point of the requests, namely, concerning the alternative grace, the entire matter depends on the benevolence of the Most Reverend Judges, since the Canons appeal to grace, not to law; therefore, the Most Reverend Fathers will deliberate, according to their prudence.

[*Latin ed. p. 729*]

In Treviso, it is to be considered whether it is expedient to grant a requested favor. Undoubtedly, the foundation of this petition and favor lies in the assertion, which appears to be sufficiently proven, namely that before the overthrow of public affairs, all benefits of cathedrals belonged to the chapter. Furthermore, the matter pertains to the favor of extending vacations to three months; and the decision rests with the Most Reverend Fathers. Nevertheless, it is not to be overlooked that the prescription of the Council of Trent, which in session 24, chapter 12, concerning reforms, states: "Furthermore, those holding dignities, canonries, prebends, or portions in the same cathedrals or collegiate churches, are not permitted, by virtue of any statute or custom, to be absent from those churches for more than three months in any year, saving, however, the constitutions of those churches which require a longer period of service." And the Holy Office, from its very beginning, has not wished to grant an extension of vacations to three months to those canons who are obligated for a longer period of service or for the entire year, by virtue of constitutions, as Fagnanus testifies (Commentary, chapter On Audiences, no. 8), asserting that "canons to whom a greater service to the Church is required, namely, more than nine months, who request a vacation of three months, the Holy Congregation, in my time, always denied." Later, however, Benedict XIV notes that this

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severity has been tempered (Quaestiones Canonicae, 293). Moreover, for reasons of circumstance and variety, the Holy Office has not refused to grant a greater or lesser period of vacation. Thus, in Bierden, March 3, 1792; in Segni, concerning choral services, February 17, 1838, and in Vaivén, concerning choral services, November 24, 1838, when a vacation of three months was requested, the Holy Office granted the favor to two months. At times, it has even reduced the daily choral service to a tertiarian, as it is called, so that anyone may be absent, performing choral service every third week; as in Besancon, September 25, 1770; in Gubbio, concerning choral services, January 13, 1795. At other times, the Holy Office has granted a mediarian, or alternative, service.

[*Latin ed. p. 730*]

730 From the Sacred Council, it is established, namely, that in one week a choir should participate, while in another week it should not; for example, in Lucerina, Res. Serv. choral., 22 December 1838; and in Cathacen, 5 September 1699. In former times, the causes that would prompt a Holy Order to act were primarily inclement weather, the inadequacy of revenues, the large number of singers, the distance from the Cathedral or Collegiate Church, and also the roughness of the roads. Today, however, new causes, introduced by canonists, do not seem to be any less worthy, and are granted by a benevolent decree. The last section deals with a question of law, namely, concerning the institution that can be authorized. Indeed, before offering a solution, it must be stated that elective benefices do not appear to be reserved. This is taught by Reiffenstuel (title De praeb., n. 403), who states: "In reservations made under this formula: 'We reserve benefices concerning the collation, provision, presentation, or disposition thereof,' elective benefices are not included." Similarly, Gonzalez teaches in ad Reg. 8 Cancell. gloss. 19, n. 6, 7, and 8; Gomez in Reg. Cancell. de ann. poss. quaest. 11, n. 2 in fine; but Riganti contradicts in ad Reg. 4 Cancell. n. 19. Therefore, in doubt, since we are dealing with matters that are odious, it does not seem that the reservation of papal months is permissible. But it is better to consider further that the reservation affects the institution of the collation of benefices, and not the institution that can be authorized. Indeed, the institution that can be authorized, says Reiffenst. (title De inst. n. 7), is the approval to exercise the care of souls, or the commission of the care of souls. This institution is granted by the Bishop, even with regard to benefices reserved to the Holy See, when he himself, through examination, approves the cleric for a parish benefice to be instituted by the Holy See, as noted by Schmalzgrueber (title De inst. n. 46). It is truly true that the institution of the title is completely distinct from the institution that can be authorized, and canonists all teach this, and the matter itself demonstrates it. Furthermore, to those to whom the right belongs to institute in benefices, by an age-old custom, the institution of the title is granted, but the institu-

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tion that can be authorized is denied: "In this case," teaches Schmalz (title De inst.

[*Latin ed. p. 731*]

(From the Most Holy Council, 731, n. 41), various institutions concur, and the collective title will be granted by the Prelate, but it can be authorized by the Bishop." And the Most Holy Congregation in Lünen, Sarzanen, regarding the Erection of a Collegiate Church, May 7, 1718, as reported by Benedict XIV (Question 26), concerning the doubt: "Whether and how the decrees should be relaxed, etc.;" he responded: "Affirmatively, with all the conditions expressed in the chapter, provided that the authorization of the institution and the approval of the person to be presented for the canonry pertain to the Bishop, and that the issuance of the letters of collation pertains solely to the Cathedral Chapter." Therefore, although the "collation of the benefice, whether to the Holy See or to an inferior bestower, is reserved," nevertheless, with regard to the care of souls, the authorization of the institution pertains to the Bishop. — Wherefore, etc. Resolution. The Sacred Congregation of the Council, having maturely considered the matter, judged that it should be responded: "Regarding the alternative collation of benefices between the Bishop and the Chapter, and the extension of vacations to three months, as requested, nothing should be changed regarding the authorization of the institution."

SUMMARY OF CAUSES. On June 26, 1903, the Sacred Congregation of the Council was held in the Apostolic Palace at the Vatican, in which, among other things, the following doubts were proposed, according to the custom of the same Sacred Congregation for legal discussion; and which were resolved as follows.

BY SUMMARY PRAYERS.

I. ROMA AND OTHERS. - REGARDING PRIESTS WHO ARE ABOUT TO MIGRATETO THE PHILIPPINES (in secret). TO INSULAS.

[*Latin ed. p. 732*]

732 FROM THE HOLY COUNCIL OF IL SAGTEN. - Regarding a pension, (under seal). R (No response was given). III. ROMA. - Regarding an Apostolic Visitation, (under pontifical seal). R (No response was given). IN I. FOLIO MASSILIEN. - Regarding a dispensation from marriage, (under seal). R. It is necessary to retract from previous decisions and to consult with the Most Holy [Father] regarding a dispensation from a marriage that is valid but not consummated in this case. IL MATRITEN. - Regarding a dispensation from marriage, (under seal). R. Postponed, and the opinion of a more experienced physician is requested. III. ROTHOMAGEN. (under seal). R. Affirmative. - Regarding a dispensation from marriage, (under

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seal). IV. BAMBERGEN. - Regarding a dispensation from marriage, (under seal). D. Should consultation be sought from the Most Holy [Father] regarding a dispensation from a marriage that is valid but not consummated in this case? R (A response is still desired). V. ANDRIEN. - Regarding rights, (reserved). R. Affirmative to both questions, and in good faith. VI. ANDRIEN. - Regarding the suitability of a parish, (reserved). R. To I. Affirmative, for the parish. To I L, to III, and to IV. Provision is made as in I. VII. ANDRIEN. - Regarding the archpresbyter, (reserved). To I. Affirmative, for the archpresbyterate. To II and III. Provision is made as in I. NICI R. Regarding suitability and provision for a canon.

[*Latin ed. p. 733*]

733 FROM THE HOLY CONGREGATION OF RITES, CONSTANTIA AND ABRINCEN. DECREE concerning the Beatification and Canonization of the Venerable Servant of God, Mary Magdalene Postel, Foundress of the Congregation of the Sisters of Christian Schools of Mercy. CONCERNING THE DOUBT: Whether it is established that she possessed the theological virtues of Faith, Hope, and Charity, in God and towards her neighbor; as well as the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and their associated virtues, in a heroic degree, in the case and to the extent of what is being considered? When, for a long time, the foundations of the Catholic religion have been undermined, and the human race, through false appearances or through the guise of honor or wisdom, has been led astray, the most provident God has repeatedly opposed examples of true doctrine and sanctity, confirming both that sentiment: "He who strives with deceit shall not be sustained" (Proverbs 10:4); but rather: "The lips of the just instruct many" (Proverbs 10:21). This has often happened in other places, but especially in Gallia, when those who practiced philosophy introduced incredible errors and perversity. This deception, in particular, harmed young people, for whom education was of the utmost importance: "The fear of the Lord is the beginning of wisdom. A good understanding to all that do it." Already, as divine providence ordained for the education of boys through the Founder, Saint John Baptist de la Salle, so too, for the education of girls, was the Venerable Servant of God, MARY MAGDALENE POSTEL, the mother and teacher, the foundress of a new family, bearing the title: "Sisters of Christian Schools of Mercy." She was born in Gallia, in the town of Constantiensis, on the first of December, 1714, of honest and wise parents, given the names Julia, Francisca, and Catharina, to whom she later gave the name by which she vowed her religious profession, "Mary Magdalene," uniting the marriage of innocence and penance with charity. From the very beginning of her life, she was so imbued with divine grace that she reached the highest peaks of sanctity. Not yet seven years of age,

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she was already able to...

[*Latin ed. p. 734*]

734 From the sacred rites, the Apostles spoke, "But our conversation is in heaven." Even then, her compassionate heart could not restrain her words: "My chastisement is in the morning." Fleeing sin "as from the face of a serpent," she rejoiced in heaven, hoping that those who were wandering, struck by this terror, would return to a better way. With the same zeal, she took up the cross, and with the hands of praying children, she pleaded. As if she heard it said to her: "Deal thy bread to the hungry, and bring the needy and the harbourless into thy house." From this act of charity, she often renounced her clothes and almost all food. Among the Benedictine virgins living in Vallonia, she was so virtuous that she was called the Daughter of God. With these virtues, and especially with her diligent study of young people, she soon showed that she had been destined by divine Providence for the highest ministry. In the eighteenth year of her life, she returned to her father's town and opened a school for girls, especially for the poor, nourishing them and "as an eagle provokes her fledglings to fly." At that time, a vast fire began, which overturned everything, and in which the order of human society, laws, kingdoms, and temples were destroyed, and all was ravaged by looting, mockery, and bloodshed. This brave virgin fearlessly faced the storm; she received priests who were seeking refuge, and she provided them with hospitality; she provided them with food and a place to perform sacred duties, even at the risk of her own life; she even arranged for boats to be seized so that they would be available. With urgent concern, lest the holy mysteries be violated, she was entrusted with a box in her pure hands to safeguard the Eucharist and other sacred vessels. Thus, for almost ten years, during that terrible fury, this strong woman, united to the Apostolic mission, bore "her bread" for a long time. When that time passed, she went to Caesaroburg, and there, with mercy for the poor, she laid the foundation for an institution whose purpose was to instill good morals in young people, to instruct them in the most useful disciplines, so that they might become good mothers and wives, and thus restore Christian society. From the beginning, it was indeed "a small flock" consisting of three sisters, led by the Venerable Mary Magdalene; and not until she was almost thirty years old, after six hundred hardships, through famine, through the lack of all things, after being repeatedly moved, as if a scattered flock, without any worldly confidence, did she finally find a place.

[*Latin ed. p. 735*]

From the Decrees of the Holy Fathers and of Councils, 735, when this occurred; from that time, such progress was made that, through the Venerable Servant of God, not only was the number of the Sisters increased, and a new Family of Sisters established, flourishing in number and virtue,

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but also, for the sake of art and religious decorum, a large building was erected, which formerly was called the Abbey of the Most Holy Savior and the Vicomte. To the Virgin, endowed with every kind of virtue, who, throughout the course of her life, having ascended to the very summit of perfection with a purity of spirit that did not deviate even by the smallest degree, was seen to be divinely inspired, and who, moreover, had deserved the esteem of the Church and of civil society, nothing remained except that she might rest from her labors and hear the voice that called her to heaven: "Come, O bride of Christ, receive the crown which your Lord has prepared for you." Therefore, on the sixteenth day of July, in the year 1846, the last day of her life, having foretold this to the Sisters present, there were 159 of them, the hour arrived when Christ released her spirit, and she, like a dove, breathed forth her soul most peacefully. After her death, her fame for sanctity persisted and increased daily, and was confirmed to many by various signs; testimonies were collected in the Court of Coutances, and an ordinary process was instituted with all due authority. Furthermore, after all the proper procedures were completed, the Most Holy Pope Leo XIII signed a commission for the introduction of the cause of the Venerable Servant of God: immediately, the Apostolic process began, and, with its validity proven, the question of whether she possessed heroic virtues was considered by the Most Holy Congregation. First, in the preparatory meeting held in the Convent of the Most Reverend Cardinal Caietani Aloisi-Masella, the Relator of the Cause, on the fifth day of March in the year 1902; then, in the preparatory meetings held at the Vatican, on the thirteenth day of February of the following year; and finally, in the general meeting before the Most Holy Pope Leo XIII in the Vatican, on the ides of May of the same year, at which the Most Reverend Cardinal Domenico Ferrata, the Relator of the Cause, raised the question: "Does it appear that the Venerable Servant of God, Mary Magdalene Postel, possessed the heroic degree of the theological virtues of Faith, Hope, and Charity in God and in her neighbor; and also the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and the virtues connected with them, to the extent that is required for the effect of what is being considered?" The Most Reverend Fathers, Prefects of the Sacred Rites, and the Consultors, in their proper order, expressed their opinions. After considering these matters, the Blessed Father...

[*Latin ed. p. 736*]

736 Having considered the matter according to established custom, he encouraged those present to invoke heavenly light for a just judgment, and then dismissed the meeting with these words: "It is fitting to commemorate today Gallia, that noble land which happily received into its midst the most blessed Virgin, the Handmaid of God, Mary Magdalene, and which, even more happily, has brought her to Heaven. For today's assembly has opened

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the widest field before you, esteemed Consultors, to demonstrate the most excellent virtues of her. We trust, with God's help, that your judgments will soon confirm our own, and that Gallia may favorably regard her blessed Mary Magdalene; and that, just as she, living, received abundant help from her in times of great tribulation, so too, may she, now agitated by the most severe storms against religion, receive powerful intercession with God." On this very day, which is observed for the coming of the Holy Spirit, the Most Holy Father entered the private chapel, a noble chamber within the Vatican Palace, and, seated on the pontifical throne, summoned the Most Reverend Cardinals Seraphin Cretoni, Prefect of the Congregation of Sacred Rites, and Dominic Ferrata, Relator of the Cause, as well as the Reverend Father Alexander Verde, Promoter of the Faith, and the undersigned Secretary, and, in their presence, solemnly declared: "It is established that the theological virtues of Faith, Hope, and Charity, in God and in one's neighbor, as well as the cardinal virtues of Prudence, Justice, Fortitude, and Temperance, and those virtues which are joined to them, were present in the most heroic degree in the most blessed Servant of God, Mary Magdalene, in the case and to the extent that it is being considered; therefore, it is possible to proceed to further steps, namely, to the examination of the four miracles." He ordered that this decree be made public and recorded in the acts of the Congregation of Sacred Rites, on the eve of the Kalends of June, in the year 1903.

SERAPHINUS CARD. CRETONI, Prefect.

L. S.

DIOMEDES PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 737*]

FROM THE RITES OF TURIN. DECREE concerning the Beatification and Canonization of the Servant of God, Joseph Cafasso, Moderator of the Ecclesiastical College of Turin. The writings attributed to the Servant of God, Joseph Cafasso, Secular Priest of Turin, which were duly examined by the Congregation of Sacred Rites, so that a review of them might be instituted according to the General Decrees, are described in the following list; namely: (Follows a list of writings). When, at the urgent request of the Most Reverend Lord Raphael Maria Virili, Bishop titular of Troadensis and Promoter of the Cause, and the Most Reverend Lord Cardinal Dominic Ferrata, appointed as Relator in the Ordinary Meetings of the Congregation of Sacred Rites for this Cause, a doubt was raised concerning the revision of the aforementioned writings, the Most Reverend Fathers entrusted with the preservation of the Sacred Rites, after hearing the report of the aforementioned Relator, and also having heard the Reverend Father Alexander Verde, Promoter of the Holy Faith, decided: that nothing obstructs the proceeding to further steps, except insofar as the Promoter of the Faith may lawfully oppose it. April 21, 1903. Subsequently, concerning these

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matters, the Most Holy Lord Pope Leo XIII, in the following manner, having received a report from the Cardinal, Prefect of the Congregation of Sacred Rites, His Holiness approved and confirmed the decision of the Sacred Congregation itself, on the 22nd of the same month and year. SERAPHINUS CARD. CRETONI, Prefect. L. * S. f DIOMEDES PANICI, Archbishop of Laodicea, Secretary. DECREE OF ROME OR GENOA concerning the Beatification and Canonization of the Servant of God, Paula Frassinetti, Founder of the Pious Institute of Sisters, now called "of Saint Dorothy." The writings attributed to the aforementioned Servant of God, Paula Frassinetti, and those which, after duly conducted investigations, were presented to the Congregation of Sacred Rites, so that a review and examination of them might be instituted according to the Decrees, are found in the following Act, Volume XXXV, part C, number D XX, 47.

[*Latin ed. p. 738*]

738 From the Sacred Congregation of Rites, a list is described; namely: (Follows a list of authors). The matter was proposed by the Most Reverend and Right Reverend Cardinal Francisco Segna, Promoter of the Cause, in the meetings of the Congregation of Sacred Rites, held at the Vatican on the designated day, concerning the revision of the aforementioned authors. After the report of the aforementioned Most Reverend Promoter, and after all matters had been carefully considered, and after the Reverend Father Doctor Alessandro Verde, Promoter of the Faith, had spoken, the Most Reverend Fathers entrusted with the safeguarding of the Sacred Rites decreed: "Nothing prevents proceeding to further steps, saving the right of the Promoter of the Faith to object, if and insofar as it is legally due." On April 21, 1903. Subsequently, these matters were brought before His Holiness, our Lord Pope Leo XIII, and the Cardinal Prefect of the Congregation of Sacred Rites presented a report, and His Holiness approved and confirmed the decree of the aforementioned Congregation on the same day, in the same month and year. SERAPHINUS CARD. CRETONI, Prefect. L. & S. f. DIOMEDES PANICI, Archbishop of Laodicea, Secretary. DECREE. Members of the Society of Missionaries of Saint Joseph are obliged to celebrate Mass and the Office of Saint Thuribius according to the double rite of the second class. The current editor of the Calendar of Divine Office for the members of the Society of Missionaries of Saint Joseph humbly requested a solution to the following doubt from the Congregation of Sacred Rites: From the Decree of the Sacred Congregation for Extraordinary Ecclesiastical Affairs of January 1, 1900 (1), the Office and Mass proper to Saint Thuribius, of the Archbishop of Linus, were extended to all of Latin America, according to the double rite of the second class; hence, the doubt arises as to whether the members of said Society, who are distributed in large part throughout Latin America, and therefore in Latin American regions, are subject to (1) Recole Vol. XXXII, page 555, Postulate XI, which reads:

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"That the Office and Mass proper to Saint Thuribius be extended to all of Latin America according to the rite of the second class."

[*Latin ed. p. 739*]

FROM the Sacred Congregation of Rites, 739, it is decreed that [certain matters] are to be observed, and it is asked whether these [matters] must stand in the proper calendar approved by the Holy See, in which Saint Thuribius is recorded with a lesser double rite? And the same Sacred Congregation, after considering the report of the undersigned Secretary and the opinion of the Liturgical Commission, after all things have been considered, judged that the answer should be: "In the affirmative case concerning the first part, and in the negative case concerning the second." And thus it responded on May 8, 1903.

S. CARD. CRETONI, Prefect.

L. >$< S. f

D. PANICI, Archbishop of Laodicea, Secretary.

CONCERNING liturgical doubts proposed and resolved for the Order of Friars Minor Capuchin, Province of Belgica.

Reverend Father Victorious from Appeltern, Lecturer in Sacred Liturgy in the Province of the Friars Minor Capuchin of Belgica, at the request of his Reverend Provincial, humbly implores the following resolutions from the Sacred Congregation of Rites concerning the following doubts:

I. In the Roman-Seraphic Ceremonial of the Capuchins, n. 1184, for the public exposition of the Most Holy Sacrament of the Eucharist, it is prescribed: "At least twelve candles of white wax must burn on the altar itself," and it is added there: "unless the instruction of the Ordinary confirms that the Holy See has otherwise determined." However, since the statutes of the dioceses of Belgica speak differently in this regard, and it is not certain that they have received Apostolic confirmation, the question is asked: In the churches of the aforementioned Province of the Capuchins, how many candles of white wax must be lit when the Most Holy Sacrament is publicly exposed?

II. The Constitutions of the Order of the Capuchins prescribe: "Candelabras made of simple turned wood." However, the Ceremonial of Bishops, Book 1, chapter XII, § 11, on this matter, states: "Above, on the plan of the altar, there should be silver candelabras, if they can be had; otherwise, of tin or gilded copper, more noble in workmanship, and somewhat taller, more worthy than those [candelabras]..."

[*Latin ed. p. 740*]

FROM the Sacred Congregation of Rites, 740: On other days, not festive, they place white candles, and above them a candlestick of the same metal, and of elevated workmanship, so that the feet of the crucifix reach the

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height of the neighboring candelabra, etc. The crucifix itself should be taller than the candelabra, and bear the image of the Most Holy Crucifix, turned towards the interior of the altar. The question is asked: Are Capuchin Religious bound to observe this? In the case of the Ceremonial of the Bishops, regarding the material, at least of the candelabra and of the altar crucifixes, should it be of gold or gilded copper?

III. 1. When a priest celebrates a votive Mass in his own church, on a day not impeded, within the Octave of the Blessed Virgin Mary or of some Saint, of which the Office has recited a certain commemoration, the question is asked: Should the Creed be said in the same Mass, if it is always said in that Octave?

2. Should this be applied to a Mass celebrated in a foreign church?

3. Should this be extended to any Mass celebrated on a day within the Octave, whether it be private, or solemn, or privileged?

And the Sacred Congregation of Rites, after considering the report of the aforementioned Secretary, having heard the Reverend Procurator General of the Order of the Minor Capuchins, and after a careful opinion of the Liturgical Commission, decided to respond:

Regarding I: It is to be observed according to the Ceremonial of the Roman-Seraphic Order of the Capuchins, so that at least twelve candles of white wax should burn on the altar.

Regarding II: Negatively, and the Constitutions of the Order, approved by the Holy See, are to be observed.

Regarding III: Affirmatively, in all cases, according to the decrees, especially n. 3862, "Of the City and the World," December 9, 1895 (1); n. 3922, "Concerning Votive Masses," June 30, 1896, III, 3; and n. 4020, "Of Several Dioceses," April 24, 1899.

And thus it responded and declared.

May 15, 1903.

S. CARD. CRETONI, Prefect.

L. S. DIOMEDES PANICI, Archbishop of Laodicea.

(1) *Collectanea*, Vol. XXVIII, page 438.

Secretary.

[*Latin ed. p. 741*]

It is fitting to fully cite the Decrees from *Sacrosanctum Concilium*, Chapter 7, paragraph 741, concerning Votive Masses: DECREE ON VOTIVE MASSES. Votive Masses, whether they are in harmony with the liturgical season or not, are celebrated either in accordance with the liturgical office or not in accordance with it. The latter are celebrated either solemnly for a grave and public matter concerning the Church, or privately, or at least for a private reason. I. Concerning Votive Masses that

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are in harmony with the liturgical office. These Votive Masses follow the nature and rite of the liturgical office to which they are attached, with the following observations: The Mass of the Precious Body and Blood on weekdays should be that Votive Mass which is indicated at the end of the Missal (but not during the solemnity of the Body of Christ) and therefore it should be said without the Sequence. The prayers should be said, not as in the octave of the same solemnity, but appropriate to the time. All of these things must be observed in other Votive Masses of this kind. In all Votive Masses of this kind, that is, those celebrated in accordance with the liturgical office, the Symbol [Nicene Creed] is always omitted, even if they are sometimes permitted under a double major rite. II. Concerning the Solemn Votive Mass for a grave and public matter concerning the Church. 1. The Solemn Votive Mass for a grave and public matter concerning the Church is that Mass which is not in itself in harmony with the liturgical office, but which is solemnly celebrated by the Bishop, or with his consent, for any occasion, with the presence of the Magistrate, or at least of the clergy and the people; and for some spiritual or temporal necessity that affects the entire community, e.g., to ask for rain, for peace, for any necessity, for a sick prince, and the like. 2. The Solemn Votive Mass for a grave matter can be celebrated on any day, except for Sundays of the first class, and also for double major feasts of the first class, and for the fourth day of Lent, and for the weekdays of the Holy Week.

[*Latin ed. p. 742*]

742 FROM THE SACRED RITUAL and Vigils of Pentecost and the Nativity of the Lord: It is permissible to celebrate, by prayer, a Solemn Mass on the day in question. Votive Masses are to be celebrated after the Feast Mass, under a single conclusion, even if another commemoration is indicated in the rubrics. However, in churches where a Conventual Mass is celebrated, a solemn Votive Mass should not be celebrated unless the Conventual Mass of the Office has been celebrated first. 3. A Votive Mass of this kind should be taken from those designated as Votive Masses in the Missal. If, however, a special Mass is lacking in the Missal, due to some grave or urgent necessity, a Mass should be said for any necessity; and to this, the Collect, if there is one, pertaining to that necessity should be added, under a single conclusion. Furthermore, in solemn Votive Masses, only one prayer should be said, even if the Mass is sung, as happens in churches where there is no Conventual Mass. In such Masses, the Gloria in excelsis should always be said, and the Creed, unless the Mass is celebrated in violet vestments, according to Rubric Miss. Title XVIII, No. 5, in which case the Gloria is not said. However, if the Gloria and the Creed are said, no genuflections are made during the prayers. The Preface should be said according to Rubric Miss. Title XII, No. 4: that is, if within any octave or privileged feast, a proper Votive Mass is available, the proper Preface for the Votive Mass

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should be said, along with the "Communicantes" of the octave. On Sunday, if the Votive Mass does not have a proper Preface, the Preface of Sunday should be said, not of the feast. Furthermore, the Preface should be said solemnly, and the organ may be played. The color of the vestments will be according to the quality of the Mass being celebrated. III. Concerning private Votive Masses, or those for a private cause, in general. 1. All Masses that are placed under the designation "Votive" at the end of the Missal may be said, as well as those that are indicated within the body of the Missal as being able to be said in a votive manner throughout the year, such as, among others, the Mass of Mercy for the Most Sacred Heart of Jesus, and the Mass of Rejoicing for the Immaculate Conception. Votive Masses may only be said for the following Saints.

[*Latin ed. p. 743*]

From the Sacred Ritual, Canon 543: For those saints who have been canonized and are described in the Roman Martyrology, the proper Mass should be said for them, if one exists; otherwise, the Mass of the Common Order should be said, to which this Office pertains. If certain passages from the Common Mass are lacking or do not fit the time, or if words such as "yearly," "today," and similar ones are omitted, and if "birthday," "solemnity," "festivity" are changed to "commemoration," "memory," then proceed accordingly.

2. Votive Masses, whether private (even if said for a grave reason), or solemn (unless for a grave reason), as well as private Masses for the Dead, are altogether prohibited on Vigils and during the octaves of the Nativity of the Lord and the Epiphany, on the Fourth Day of Ashes, from the Sunday of Palms until after the Octave of Easter, on the Vigil of Pentecost and during the Octave of Pentecost and Corpus Christi; and also on Sundays throughout the year and on Double Feasts, even those not of precept, whatever custom may prevail.

3. Votive Masses of this kind are to be celebrated without the Gloria and without the Creed, even if they are for a patron or titular saint, or, by special indult, on a Sunday or on a Double Feast, or even within the octave, unless they are celebrated on a day within the octave itself; in which case, they are to be celebrated as on a feast, that is, with the Gloria and the Creed. The prayers appropriate to the day and time are to be said, even in a Votive Mass of the Most Holy Sacrament. If a Votive Mass is said within the octave, the second prayer will be of the octave, the third prayer or the prayer of the time. Regarding the Preface, the General Rubric, Title XII, Number 4, is to be observed. In Votive Masses, no other Gospel is ever read at the end, except that of St. John, "In the beginning," according to Rubric Title XIII, Number 4.

In Particular: Concerning Solemn Votive Masses celebrated for a non-public reason.

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1. Votive Masses, however solemn they may be, which are celebrated for a reason that is not grave, and even if they are celebrated in a novena or octave form, or after some Solemnity, are not to be celebrated on Sundays or Double Feasts unless by special indult. Neither the Votive Mass of the Holy Spirit, nor any other, is permitted to be celebrated on these days, whatever custom may prevail, unless wearing...

[*Latin ed. p. 744*]

744 FROM the Sacred Congregation of Rites: Concerning the tonsure or profession of nuns; but not by the Bishop himself in the election of the Abbess of a monastery within his jurisdiction. Indeed, before the procession of the Most Holy Sacrament, whether within or outside the octave of Corpus Christi, or on any third Sunday of the month, the Mass, usually sung before the Most Holy Sacrament, must be celebrated on the Sunday itself or on a feast of double rank, with the commemoration of the Sacrament. Solemn votive Masses are always to be sung after Prime, according to the form of the rubrics.

2. In churches which are bound to celebrate a conventual Mass, if a solemn votive Mass is celebrated for a reason not of grave or weighty importance, the conventual Mass dedicated to the day must never be omitted; in that case, however, the commemoration of the feast for which the conventual Mass was celebrated must not be performed in the votive Mass. In other churches, if no other Mass has been celebrated on the current feast day, the oration of the day and any other appropriate orations may be added to the votive Mass. Furthermore, in such votive Masses, even if solemn, unless they are celebrated for a grave and public cause of the Church, or by special grant of an indulgence, the Gloria in excelsis and the Creed are always omitted. This must also be observed in novenas, in which the feasts of Saints sometimes precede, or in the octave that follows. In the votive Mass of the Passion, which is sometimes celebrated on weekdays throughout the year, the vestments should be violet, according to the rubrics, and the organ should not be played.

3. Votive Masses offered by foundation or endowment (of which we have already hinted at something above) follow the same norms as other votive Masses: thus, they may not be said or sung on feasts of double rank or on days on which such a feast cannot be celebrated. Therefore, the Sacred Congregation, by the authority of the Supreme Pontiff, on August 5, 1662, decreed that in the future, the obligation to celebrate votive Masses should not be imposed, except for days on which they can be celebrated according to the rules of the Missal. Votive Masses which have already been accepted and not yet celebrated should be said on other days that are not prohibited; and if that is not possible, for the sake of the votive offering, the value of the Mass of the day may be applied, which, if silent, should be said with singing, or even without singing for a reasonable cause, to be determined

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and approved by the Ordinary.

[*Latin ed. p. 745*]

FROM SACRED RITUAL, CANON 745, paragraph De Missis Votivis Beatae Mariae Virginis (Concerning Votive Masses of the Blessed Virgin Mary).

1. A Votive Mass of the Blessed Virgin, whether private or solemn, even for a grave matter, ought to be one of the Votive Masses of the B. V. M. placed at the end of the Missal, according to the diversity of times, or another Mass appropriated, so that it may be called a Votive Mass, such as the Mass "Gaudens gaudebo de Immaculata Conceptione" (Rejoicing, I will rejoice in the Immaculate Conception) and the Mass of the Seven Sorrows. However, the proper Masses of the feasts of the Blessed Virgin are not to be celebrated, except on the days on which those solemnities occur, and during their octaves; this is to be observed even if such Masses are instituted by a founder, in which case, when celebrating a feast, one of the Votive Masses of the B. V. M. should be said, according to the occasion of the time. On the contrary, on the feasts and within the octaves of the same Blessed Virgin, a Mass of the feast or of the day within the octave is to be celebrated, as if it were not a Votive Mass, but a feast day. Likewise, on the day on which the Votive Office of the Blessed Virgin is recited, a Votive Mass is to be said to correspond to the Office. Indeed, on the Vigil of the Assumption (similarly, on the Immaculate Conception) of the B. V. M., even in fulfillment of a duty, a Mass of the Vigil is to be celebrated, so that both the universal rite of the Church and the particular duty may be observed.

2. In Votive Masses of the B. V. M., which are celebrated on Saturdays throughout the year, and on the Saturdays of Advent, the Hymn "Gloria in excelsis" is to be said, even if the Office is not celebrated on that day; it is never to be said outside of a Saturday, except within the octave of the same Blessed Virgin, even if such a Mass is celebrated by dispensation. The priest, however, who, by dispensation, celebrates a Votive Mass of the B. V. M. daily, is to say "Gloria in excelsis" on a Saturday, as mentioned above, but not within the octave of the same Blessed Virgin. At least three Orationes, according to the rubrics, are to be said, even in Votive Masses of this kind, which are often sung on any Saturday of the year by dispensation. The Creed is always to be omitted in Votive Masses of the B. V. M., unless they are of days within the same octave; nor is it to be omitted even in those which are celebrated either in clerical gatherings, or by dispensation, or on any Saturday by dispensation.

[*Latin ed. p. 746*]

746 FROM THE SACRED CANONS OF RITES: In Votive Masses for the Blessed Virgin, the color alba [white] should always be used; however, the

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color caeruleus [blue] should not be used, unless by special privilege. 3. Votive Masses for the Blessed Virgin, even those celebrated for nine days, should be celebrated according to the rites described above; they should never be celebrated with the proper propers for the feasts of the same name, unless on the very feasts themselves and during the octaves thereof. Such Masses, even if solemn, are to be celebrated without the Gloria and without the Creed, with three Collects: unless a special indult is granted. What has been said about the nine-day Masses applies almost equally to the Missa de Beatae Mariae Virgini in honorem Beatae Virginis, which is celebrated daily during Advent in some churches: this Mass, indeed, should not be celebrated on Sundays or on feasts of the first class, nor with a single Collect and with the Gloria and the Creed, unless a special indult intervenes. If such an indult is obtained, the Conventual Mass should not be omitted in collegiate or monastic churches, nor the Mass appropriate to the feast that occurs on that day in smaller churches. VI. Concerning the Mass for Spouses. In the celebration of marriages, on days other than Sundays, or on other days of precept, or on days on which a feast of the first or second class occurs, the Mass for the Spouses should be said, which is specially assigned in the Missal, at the end, after the other Votive Masses. However, on Sundays and on other days of precept, and on days of the first class, the Mass of the day should be said, with the commemoration of the Mass for the Spouses, and indeed even on feasts of the first class, in the second place, and in the first place after the other commemorations of precept, if any are to be performed. The Mass for the Spouses, and the nuptial blessing within it, can also be performed in the case where the Spouses do not receive Holy Communion during this Mass. Since this Mass is a private Votive Mass, it should always be celebrated, even if it is celebrated in song, without the Gloria in excelsis and without the Creed, and with three Collects: namely, 1, the proper Collect of the same Votive Mass, 2, and 3, those of the day occurring, as in the Rubrics, Title VII, Number 3, Concerning Commemorations; and also at the end, the Benedicamus Domino and the final Gospel of St. John. During prohibited times, marriages may be celebrated with the permission of the Bishop, but without solemnity, and therefore privately.

[*Latin ed. p. 747*]

FROM THE SACRED RITUALS, sections 74-7, and omitting the Mass and blessing. Nor, at those times, can a Commemoration for Spouses be performed in the Mass. However, according to a General Decree of the Most Holy Universal Inquisition, issued on August 3, 1881, the nuptial blessing must be imparted outside of the days of feria [weekdays] to those spouses who, for whatever reason, have not received it, and a Mass for the Bridegroom and Bride together must be celebrated on the prescribed days as mentioned above. Indeed, the Nuptial Blessing, if requested by the Spouses, (although it is not to be refused, yet it is to be

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encouraged) cannot ever be removed from the Mass for the Bridegroom and Bride, but must be performed within it. It must be noted, however, that if the woman is a widow and has already been blessed, the Nuptial Blessing must also be omitted from the Mass proper for the Bridegroom and Bride. Notwithstanding any decrees of a particular nature to the contrary, the Sacred Congregation of Rites declares that these are to be revoked by this General Decree and are to have no force. June 30, 1896. CAIETANUS CARD. ALOISI-MASELLA, Aloysius (N. 4020), Prefect of several. TRIPEPI, Secretary. DIOCESAN DOUBT concerning the Decree "of the City and the World" of December 9, 1895, regarding the obligation of celebrating Mass according to the Calendar of the Church in which it is celebrated. To the differing opinions that arose concerning the Decree "of the City and the World" of July 9, 1895, confirmed by the Supreme Pontiff on December 9 of the same year (1), in which the following was stated: "If in said Church or Oratory the Office of the lower double rite is celebrated, it is permissible for each of the Celebrants to say a Mass for the Dead, or a Votive Mass, or even a Mass for the Feria [weekday] that occurs," the Sacred Congregation of Rites humbly requested a solution to the following doubt: When a Priest is reciting the Office for a Feast, in which occurs a day within the Octave and the Feast itself, concerning which...

[*Latin ed. p. 748*]

748 From the Sacred Congregation of Rites, a memorial has been presented, and the celebrant in the church where the Office of the lower rite is celebrated, whether he wishes to recite Mass on the day within the Octave or on the day of the Saints, simply, and whether this Mass should be a Votive Mass, or rather, a festive Mass to be celebrated on the feast day. And the Sacred Congregation of Rites, having heard the opinion of the Liturgical Commission and having considered all matters properly, judged that an answer should be given: Negative to the first part; Affirmative to the second. And thus it wrote and declared. On April 24, 1899. † C. CARD. MAZZELLA, Prefect. DIOMEDES PANICI, Secretary. DOUBT. Concerning whether the Nocturn is to be recited on the night of the day of Ordination. The Sacred Congregation of Rites, in Granada, on August 11, 1860, declared at XIV: "The words 'Nocturnum talis diei' on such a day are to be understood as referring to a single Nocturn of a feria, or to the first Nocturn of a Sunday, as in the Psalter, that is, twelve Psalms with their antiphons of the time, which the ordaining Bishop can designate, either of the day on which the ordination takes place, or of another day at his discretion. But if the Bishop expresses nothing other than what the words of the Pontifical refer to, it is to be understood that the Nocturn of the feria is to be recited, which corresponds to the day on which the Ordination was performed." Furthermore, according to the decree of the same Sacred Congregation, n. 4042, in "Urbis" on June 27, 1899, at F: "For the Nocturnum talis diei, the

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Nocturn of a feria, or the first of a feast, or of a Sunday in the Psalter, is to be understood, according to whether the Ordination was held on a feria, a feast, or a Sunday." Now, another question has arisen, and a proposal for its proper solution has been made: namely, "Whether, in addition to the Nocturn, the Psalm 'Venite, exultemus,' the Hymn, and the Lessons should also be added, or whether, rather, the Psalms with their respective antiphons pertaining to such a Nocturn are sufficient?" The Sacred Congregation of Rites, after hearing the report of the undersigned Secretary, the opinion of the Liturgical Commission, and having considered all matters...

[*Latin ed. p. 749*]

After carefully considering the matters presented in document number 749, it was deemed appropriate to respond to the proposed question with: "Negatively to the first part; affirmatively to the second." And so, it was written, on July 10, 1903.

To Most Reverend Cardinal Cretoni, Prefect.

L. S. f. D. Panici, Archbishop of Laodicea, in full (N. 4042)

Regarding the aforementioned decree from the Secretariate:

Various doubts concerning the Nocturn for the day of Ordination, and concerning the concurrence of several Commemorations of Apostolic Ceremonies, have been humbly presented to the Congregation of Sacred Rites; namely:

I. What is to be understood by the Nocturn for such a day, which the Bishop, according to the Roman Pontifical, imposes upon Subdeacons and Deacons?

II. Does the Bishop, when ordaining, have the option of omitting the Nocturn for the day designated by the Pontifical?

III. When the Feast of the Holy Family coincides with another Feast of the Blessed Virgin Mary, for example, with the Feast of her Espousals, is this commemoration to be omitted, or is it to be observed?

IV. Are the Offices, which are sometimes granted conditionally: to be performed; to be recited, etc., are they obligatory, or rather, are they similar to votive acts?

V. From where should the Antiphons and verses be taken, when several Commemorations are to be observed with the same Common?

And the Sacred Congregation of Rites, after mature deliberation and having heard the opinion of the Liturgical Commission, deemed it appropriate to respond as follows:

To I: "It is to be understood as the Nocturn for a weekday, or for the First Class Feast, or for Sunday, according to whether the Office is observed on a weekday, on a Feast, or on a Sunday."

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To II: "Affirmatively."

[*Latin ed. p. 750*]

750 FROM THE SACRED CONGREGATION OF RITES, Regarding III. "Negative, concerning the first part; Affirmative, concerning the second part." Regarding IV. "Affirmative, concerning the first part, if it has been accepted; Negative, concerning the second part." Regarding V. "When several Commemorations are to be performed for the same Community (unless otherwise noted in the Breviary), from Vespers, the Antiphon and following verses from the First and Second Vespers are said; the second Commemoration is performed through the Antiphon of Lauds and following verses from the Second Nocturn, and the last Commemoration is performed through the first Antiphon and following verses from the Third Nocturn. For Lauds, after the Antiphon and following verses of Lauds, the first Commemoration is performed through the Antiphon and following verses from the First Vespers and the Second Nocturn, and the third Commemoration is performed through the first Antiphon and following verses from the Third Nocturn." And thus it was written and declared. On June 27, 1889. C. CARDINAL MAZELLA, Prefect. PANICI, Secretary. SIPONTINA. DOUBT. Whether a gray cap may be used by lay members at funerals. Lay members of the Brotherhood of St. Anthony, located in Montesantangelo within the boundaries of the Archiepiscopal See of Sipontina, requested whether they may use a gray cap in processions and at funerals, as they were accustomed to do. The Sacred Congregation of Rites, after considering the report of the undersigned Secretary, and also after hearing the opinion of the Liturgical Commission, decided to respond: "Affirmatively, only at funerals held outside the town, or at its outskirts, during rainy weather, and in accordance with the custom of the Archiconfraternity of the Good Death in the City." And thus it was written, on July 17, 1903. S. CARDINAL CRETONI, Prefect. L. © S. f D. PANICI, Archbishop of Laodicea, Secretary.

[*Latin ed. p. 751*]

751 From the Congregation for Indulgences and Sacred Relics, a decree whereby an indulgence of 300 days is granted to those who recite the prayer "O glorious Saint Blaise, etc."

PRAYER TO SAINT BLASIS.

O glorious Saint Blaise, who, with a brief prayer, restored perfect health to a child who, because of a fishbone lodged in his throat, was about to breathe his last, grant to us all the grace to experience the efficacy of your patronage in all ailments of the throat; but above all, to mortify, with the faithful practice of the precepts of Holy Church, this sensation which is so dangerous. And you, who with your martyrdom left to the Church an illustrious testimony of the Faith, obtain for us that we may preserve this

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divine gift, and that we may, without human fear, defend with words and deeds the truths of that same Faith, so much attacked and denigrated in our days. So be it.

(1) From the Audience of the Most Holy. On the 16th of August, 1902. Our Most Holy Lord Leo XIII, having heard the aforementioned, and referring to the undersigned, Secretary of the Sacred Congregation for the Propagation of the Faith, grants to all the Christian faithful of both rites:

(1) The Latin version:

ORATIO IN HONOREM S. BLASII, EP. ET M.

O gloriose S. Biasi, qui brevi prece perfectam sanitatem infantalo restituisti, qui, ob piscis spinam gutturi inhaesam, extremum spiritum emissurus erat, in cunctis gutturis malis gratiam nobis omnibus concede vim tui patrocinii experiendi, potissimum vero, fideli S. Ecclesiae praeceptorum custodia, hunc iam exitiosum sensum mortificandi. Qui insuper tuo martyrio praeclarum Fidei testimonium Ecclesiae reliquisti, fac nos divinum hoc donum servare, atque hisce temporibus tam denigratas et oppugnatas eiusdem Fidei veritates, sine humano timore, verbis et operibus defendere possimus. Amen.

[*Latin ed. p. 752*]

752 FROM THE SACRED CONGREGATION OF INDULGENCES: To those of either sex and of any rite, who piously recite the aforementioned prayer in honor of Saint Blaise, Bishop and Martyr, and of Saint Sebastian, an Indulgence of 300 days, once per day, for their own benefit, and also applicable for the very great suffrage of souls in Purgatory, has been most benignly granted. This is valid perpetually, and notwithstanding any contrary decrees. Given at Rome, from the offices of the aforementioned Sacred Congregation, on the day and year as stated above. For the Most Reverend Father, Secretary, [signed] L. © S. Hieronymus Rolleri. A copy of this Decree was presented to this Sacred Congregation for Indulgences and Sacred Relics. In witness whereof, given at Rome, from the Secretariat of the same Sacred Congregation, on the 13th of May, 1903. For the Most Reverend Father, FRANCIS, Archbishop of Amiden, Secretary, [signed] L. © S. Joseph M. Can. Cosel, Substitute.

753 FROM THE SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS: DECREE concerning the erection of the Apostolic Prefecture called "La Intendencia Oriental" in the Republic of Colombia. Since numerous Indian tribes are found in the territory of the Republic of Colombia, in South America, living without the light of religion and without any established order, after deliberation between the Holy See and the Government of Colombia, a convention was initiated on December 29th of the year 1902, with the aim of providing a more

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facile and prompt means for the Christian evangelization and institution of these tribes. Therefore, in the aforementioned convention, several Apostolic Prefectures are proposed to be erected, among which, and of great importance, is the mission...

[*Latin ed. p. 753*]

From the Sacred Congregation and the Congregation for Extraordinary Affairs, number 755, commonly called "The Eastern Intendancy," to which Prefectures are appended, adhering to the following limits: "Starting from the point where the third meridian east of Bogotá intersects the Meta River, follow the course of this river to the Orinoco; going upstream against the current of the Orinoco (the border with Venezuela) until reaching the Piedra del Cocuy, which is one end of the border between the aforementioned Republic of Venezuela and Brazil; following the borders of Colombia with Brazil and Peru, until reaching the aforementioned third meridian east of Bogotá." Since such an Apostolic Prefecture requires the care of missionaries, it was deemed expedient to entrust it to the Congregation called "The Company of Mary." All of these matters, having been related to His Most Holy Lordship, Pope Leo XIII, by divine Providence, through me, the undersigned Secretary of the Sacred Congregation for Extraordinary Affairs, His Holiness has deigned to approve and confirm them benignly; however, it is to be observed that the Apostolic Prefect is to be appointed by this Holy Congregation, and that other religious priests of the same religious society, attached to the Apostolic Prefecture, are to depend immediately on their Superior General with regard to the observance of their rule. Regarding these matters, His Holiness has ordered that this decree be referred to the aforementioned Holy Congregation. Contrary decrees are of no effect. Given in Rome, at the Secretariat of the aforementioned Holy Congregation, on the day, month, and year mentioned above. L. S. f. Acta, Volume PETRUS, XXXV, page CDXX.

ARCHIEP. CAESARIEN., Secretary. 4S.

[*Latin ed. p. 754*]

754 From a Decree of the Apostolic Penitentiary of the Holy See, concerning Minori, although obtained by excommunicated individuals, are valid only for the forum of conscience. A certain Titus, a priest, who was secretly subject to the penalty of reserved excommunication, having been subsequently absolved, petitioned and obtained certain personal favors from the Sacred Roman Congregations, which were granted to him through special decrees; namely, he received from the Sacred Congregation of the Index the permission to read prohibited books, from the Holy Congregation of the Holy Office a dispensation from fasting, from the Sacred Congregation of Indulgences the faculty to bless crowns and other objects and to apply

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indulgences to them, and from the Sacred Congregation of Rites the faculty to bless sacred vessels, etc. However, now knowing that excommunicated individuals are ineligible to obtain pontifical graces, he is troubled and doubts whether he can validly use the aforementioned faculties and favors, or not; for which reason he requests: I. Whether the aforementioned decrees granted to Titus are valid, even though he was bound by the bond of excommunication at the time they were obtained; and, if not, II. In what manner Titus should manifest the reason for the invalidity concerning the received decrees. The Sacred Penitentiary, having carefully considered the presented matters, responds: The petitioner should acquiesce in the foregoing. Only for the forum of conscience. Given in Rome, from the Sacred Penitentiary, on the 9th of September, 1898. A. CARCANI, Regent. R. CELLI, Substitute.

[*Latin ed. p. 755*]

755. NOTICE FROM THE VICARIATE OF THE CITY. The Most Reverend Cardinal Vicar condemns heretical sects and wicked publications, specifically "L'Asino." His Eminence Cardinal Respighi, Vicar of the City, in the sacred Invitation addressed to the Roman Catholics, on the occasion of the Feast of Pentecost, among other things, spoke these solemn and grave words: "Those who diligently observe sacred Rome, the heart and life of Catholicism, do not fail to see, perhaps with sorrow, how much the work of the Holy Spirit is hindered, especially by these two grievous facts: the ever-increasing and expanding presence of a wicked publication, which, with a fury that one might almost believe to be diabolical, persists in attempting to destroy the faith and good morals; and the spread of heretical sects of every name, which come from every country, and erect chairs of pestilence against the one true Chair of Jesus Christ, and which constantly open new temples, schools, and institutions, using the most subtle perfidities and taking full advantage of poverty and hunger to tear the people away from their Holy Mother Church, from their venerable Father, the Pope, Vicar of Christ?" Regarding this most unfortunate event, which has afflicted Rome for nearly thirty years, the Most Reverend Cardinal Monaco in *Valletta*, General Vicar of His Holiness, issued a solemn Notice under the date of July 12, 1878 (1), which was confirmed six years later by the Reverend Cardinal Parocchi, his successor (2). Nor did the august Pontiff himself fail to protest and to take action; in particular, He, with all zeal, promoted the establishment of the institution that you know well, entitled "For the Preservation of the Faith" (3), the direction of which is entrusted to a commission of Eminent Cardinals. But, unfortunately, the evil continues to grow and spread, and We, by the authority vested in Us (1) This Notice is found in Vol. XI, page 168. (2) See Vol. XVII, page 164. (3) See Vol. XXXIII,

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page 194.

[*Latin ed. p. 756*]

756 FROM THE VICARIATE OF THE CITY, as General Vicar of His Holiness, we renew the prescriptions of our predecessors, warning you, O faithful, and imploring you, for the sake of that which is most sacred to you in heaven and on earth, to refrain from outraging the divine Spirit of truth by giving the name to any heretical sect, or by entrusting your children to the emissaries of Protestantism, or by frequenting, even out of mere curiosity, their churches and their assemblies. Against the abuses and excesses of the *libertina* press, especially the daily newspapers, we have too much to say, O faithful, pouring out our hearts, which are embittered by blasphemies, obscenities, and incessant insults not only against the Church, the Bride of the Holy Spirit, and against ecclesiastical matters and persons, and against the august person of the Vicar of Christ; but also directly against God and against Jesus Christ, of whom the teachings are denied and the divinity is impugned. Following the path traced by our predecessor, the Most Reverend Cardinal Costantino Patrizi, we could, in virtue of our office, explicitly condemn several newspapers of Rome and impose ecclesiastical sanctions on their readers. But trusting in your docility and in the lights which the Holy Spirit, in these times, will deign to send down upon our souls, we limit ourselves for now to pointing out that scandalous and obscene publication which, under the title of "Asino," dishonors this Capital of the Catholic world, covering the entire Religion, and specifically the most holy morality of St. Alphonsus Maria de' Liguori, and even the very practice of the sacramental Confession, with disgrace. Furthermore, we recall the decree of the Supreme Pontiff, contained in the Apostolic Constitution "Officiorum et munerum" of January 25, 1897, under number 21, which establishes that newspapers, journals, and periodicals which deliberately attack religion and good morals must be considered forbidden, not only by natural law, but also by ecclesiastical law (1). Therefore, anyone who, for whatever reason, should read such publications is held to be obliged to request permission from the competent authority. Given from Our Residence, May 16, 1903. PIETRO CARDINAL VICARIO (1) Recole, Vol. XXIX, page 595.

[*Latin ed. p. 757*]

In the very heart of sacred Rome, the seat of Catholicism in soul and life, do we not see the Holy Spirit being assailed by many arts, through two most grievous facts: namely, the increase and ever-widening spread of impious publications, which, with almost diabolical force, turn away the faithful and corrupt good morals; and also, the diffusion of heretical sects of every kind and from all sides, a pestilence which erects its cathedrals against the very foundation laid by Christ the Lord, and which, day by day, opens new

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temples, schools, and institutions, employing the most subtle deceptions, even through poverty and famine, in order to tear away the people from the bosom of Holy Mother Church, and from their most august Father, the Pope, the Vicar of Christ? And with regard to this last calamity, which has afflicted the city for more than thirty years, His Eminence, Cardinal Monaco of Vaux, General Vicar of His Holiness, on July 12, 1878, issued a solemn Instruction, which, after several years, was confirmed by his successor, the Most Reverend Cardinal. Moreover, the august Pope himself has not refrained from protests and remedies; especially, He has desired and with all zeal promoted the institution of the work known to you, entitled "Tuitio fidei" [Defense of the Faith], to which He entrusted the administration to a Commission of esteemed Fathers Cardinals. Nevertheless, since the evil persists and grows ever more severe, We, exercising the authority that is granted to us, as General Vicar of His Holiness, renew the prescriptions of our predecessors, warning you, O faithful, and imploring you, as is more fitting in heaven and on earth, not to allow the injury of divine truth, by any means, to be inflicted, by naming anyone from the heretical sects as free thinkers, or by sending emissaries to them, or by frequenting, or even by mere curiosity, their doctrines and their temples. Concerning the abuses and excesses of licentious publications, especially newspapers, We ought to speak to you, O faithful, so that our hearts, inflamed with blasphemies, obscenities, and continuous insults, not only against the Church, the Bride of the Holy Spirit, and against ecclesiastical men, and against the august Vicar of Christ, but directly against God and Jesus Christ, whose doctrines are mocked and whose divinity is denied.

[*Latin ed. p. 758*]

758 FROM THE VICARIATE OF THE CITY, it is decreed. Adhering to the footsteps of our predecessor, the Most Reverend Cardinal Constantinus Patrizi, should we, with our customary diligence, explicitly condemn more of the Roman daily publications and ecclesiastical periodicals which inflict such harm upon the readers? But trusting in your docility, and in the light which the Holy Spirit, whom we invoke more fervently these days, will impart to our souls, we merely wish to point out that wretched ephemeral publication, now called "L M," which, by covering this City, the head of the Catholic world, with filth and mire, sullies the entire Religion, especially the most holy moral teachings of Saint Alphonsus Maria de Liguori, and the practice of the Sacrament of Confession, in a scandalous and nauseating manner. Furthermore, we recall the Decree of the Supreme Pastor contained in the Apostolic Constitution "Officiorum et munerum," dated January 25, 1897, under number 21, which states that: "Diaries, newspapers, and periodicals which, through their publications, attack religion or good morals, are not only to be avoided, but are also to be considered prohibited by ecclesiastical law. Therefore, anyone who, for any reason,

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should read such publications, must seek permission from the competent Authority." From the Offices of the Vicariate, May 16, 1903. PETRUS CARDINAL, VICARIUS.

[*Latin ed. p. 759*]

759 SUMMARY OF ACTIONS: In this volume, XXXV acts concerning Rome: Letters of the Most Holy Pope Leo XIII to the Abbot of the Monastery of the Iron Crypt, regarding the plan to celebrate the ninth centenary from the time when the aforementioned Monastery was founded, page 129. Apostolic Letters of the Most Holy Pope Leo XIII, by which the plan is established for promoting the study of Holy Scripture. . . . . 234 Encyclical Letter of the Most Holy Pope Leo XIII to the Bishops of Italy. 257 Papal Decree of the Most Holy Pope Leo XIII, by which the plan is established for the Work of the Presentation of the Faith. 265 Apostolic Letters of Pope Leo XIII, concerning the Order of the Cistercians of the Reform, or of Strict Observance. 385 Letters of Pope Leo XIII to the Most Reverend Cardinal Respighi, concerning the solemnities of the Pontifical Jubilee that have been completed. 641 Letter of Pope Leo XIII to the Most Reverend Cardinal Ferrari and other Bishops of the Milanese Province. 642 Apostolic Letters of Pope Leo XIII to the Most Reverend Cardinal Sancha y Hervàs, concerning the fostering of concord among the Spanish, as well as concerning diocesan associations. 707 CONTINUATION: Letter of the Most Holy Pope Leo XIII to the General Moderator of the Salesians, on the occasion of their convention. 709 Apostolic Letters, by which Pope Leo XIII, for the solemn celebration of the Fiftieth Anniversary of the Dogmatic Definition of the Immaculate Conception of the Blessed Virgin Mary, established a special Commission of Cardinals. 710 Funeral eulogy of the Most Holy Pope Leo XIII, said at the burial of the body and enclosed in the tomb. . . . 705 FROM THE CONSISTORY ACTS: Address of Pope Leo XIII given in the Consistory on June 22, 1903; as well as provisions for vacant churches made by him. . . 643 FROM THE SECRETARY'S OFFICE: Brief concerning indulgences for the recitation of the small office of the Most Holy Heart of Jesus, already approved. 38 The Superior General of the Congregation of the Most Holy Hearts has the faculty of establishing pious unions under the same title. 39 Indulgence of 50 days for those who recite the Eternal Rest. . . . 40

[*Latin ed. p. 760*]

760 SUMMARY OF ACTS: Indulgence for those reciting the prayer "My God, etc."

41 To the Most Reverend Cardinal Ferrari, Archbishop of Milan, concerning the obligation for Catholics in Italy to always affirm their own beliefs regarding the rights of the Holy See.

267 Bull of the Most Holy Father Leo XIII, in which certain modifications

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and reforms were carried out in ecclesiastical discipline following the political change in the Philippine Islands.

268 Extension of the privilege of the Bull Cruciata for the Spanish territories.

562 Doubt regarding the blessing of two types of medals of St. Benedict.

569 Indult granting priests the faculty to bestow the Apostolic Blessing upon nuns at the point of death.

577 Brief granting greater numbers of indulgences to the pious work "from the garments of the poor."

578 Brief granting the Archbishop of Turin the faculty of solemnly crowning the image of the Most Holy Mary, Help of Christians.

580 Brief establishing the Archsodality of the Most Holy Eucharist in the Church of St. Joachim in the City.

582 Apostolic Constitution establishing two dioceses on the island of Cuba.

584 Indult of a privileged altar for the deceased members of the Archsodality of the Most Holy Mary, Help of Christians, in Turin.

590 Brief elevating the Sanctuary of Genestà to the title of "Mother of Good Counsel" as a Minor Basilica.

659 Brief erecting the Parish Church of St. Bartholomew the Apostle and St. Michael the Archangel in Valencia into a Collegiate Church.

661 ACTS OF THE ROMAN CONGREGATIONS FROM THE HOLY CONGREGATION OF THE SACRED ROMAN AND UNIVERSAL INQUISITION.

Decree concerning the concurrence of a less probable opinion with a more probable one.

252 Rescript concerning the extension and interpretation of the Bull Cruciata for the Spanish.

571 Doubt concerning the faculty of dispensing above the impediment of spiritual consanguinity between the baptizer and the baptized.

573 Doubts concerning the faculties in the Ordinaries of Missions for establishing confraternities or pious sodalities of the Most Holy Rosary.

574 Doubts concerning the faculties of the Bull Cruciata in Spain, relating to Regular Canons.

575 FROM THE HOLY CONGREGATION OF THE INDEX: Decree prohibiting various books; several books prohibited.

576

[*Latin ed. p. 761*]

SUMMARY FROM S. G. OF BISHOPS AND REGULAR CANONS: Decree concerning simple vows, which solemn vows must precede for nuns.

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31 Doubts concerning the Decree "With the addition of time, etc." are proposed. 35 The election of a new Superior is a law binding every monastery, of whatever religious order, every three years. 160 Instructions for Congregations of Men in Gallus. . . . 592 Instructions for Congregations of Women in Gallus. . . . 593 Decree of approval of the Institute of "Handmaids of the Divine Heart of Jesus," as well as the Constitutions. 663 Doubt concerning admission to solemn vows, before the three years have been completed. 664 Decree of approval of the Society of Missionaries "of St. Joseph," as well as the Constitutions, provisionally. . . . 665 Decree of approval of the Institute of "Brothers of Carmel, of the Doctrine," as well as the Constitutions. 720 Rescript. Dispensation from Vows for nuns of purely diocesan institutes pertains to the Ordinary, under whose jurisdiction each house is found. 721 Decree of approval of the Institute of "Sisters of St. Joseph, B. M. V. Spouse." . . . 722 ACTS 761 Causes - Ripana. - Rights. It is asked how the agreement concluded between a priest of Panfili and certain Religious of the Order of St. Dorothy should be carried out. 89 Belluno and Feltre. - Separation of Institutes and transfer of property. It is debated whether, in this second instance of judgment, the sentence of the first instance should be confirmed or overturned. 100 Canary Islands. - Indemnity. It is asked whether a Religious Institute has the right to a certain indemnity against the Bishop of Canaria. 241 Santiago de Compostela. - Funerals. It is asked to whom the right of association and burial pertains, since the civil laws of Spain prohibit the bringing of corpses into a regular or parochial church. 283 Pacten. - Interpretation of a matter already judged. The response was that nothing should be changed concerning the customary practice. 507 Thelesina or Cerretana. - Tithes. It is resolved that the parish priest is obligated to pay the diocesan bishop the tithe. 557 Thelesina or Cerretana. - Parochial rights. It is stated that certain customs favorable to the Church must be observed. 559 St. Miniato. - Charges. The decree of the Curia of Sajuminiaten is overturned.

[*Latin ed. p. 762*]

762 The summary of acts establishes that a chaplain of the Most Holy Name of Mary is to be appointed to assist the parish priests of Crespino and Tripalle.

667 From the Sacred Congregation concerning Regular Discipline: Doubts regarding the taking of solemn vows and the reception of the sacred orders before military service.

253 From the Sacred Council: Decree concerning the discipline of the choir in the City.

238 Doubts concerning the taking of the profession of faith.

595 Causes: Lucanian. Concerning the exemption of a seminary. The matter pertains to the exemption of the seminary from the jurisdiction of the parish priest.

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3 Ortonian. Concerning marriage. A marriage is declared null and void due to coercion and fear.

65 Camerinian. Concerning the nullity of marriage. The sentence pronounced by the episcopal court against the validity of the marriage is confirmed.

130 Wratislavian. Concerning the obligation of Masses. Regarding the fulfillment of the religious last wishes of the dying.

152 Cerinolan. Concerning irregularity due to a defect of the body. The promotion of the orator is remitted to the judgment and conscience of the Bishop.

277 Lisbonian. Concerning customs in liturgical matters.

Burdigalian. Concerning the nullity of marriage. The previous decisions are overturned, and the sentence of the Burdigalian court is invalidated.

321 Melevitan. Concerning rights pertaining to parish functions. Several matters are proposed to resolve doubts concerning this.

346 Taurinian. Concerning a dispensation regarding the presentation [of a candidate]. The requested dispensation is remitted to the judgment and prudence of the Most Reverend Archbishop.

389 Praten and St. Minias. It is answered that it is not advisable concerning a dispensation from incompatibility of benefices.

394 Mechlinian. Concerning the nullity of marriage. Based on newly presented information, the previous decisions are overturned, and it is declared that the marriage is null and void.

397 Fesulan. Concerning the fulfillment of an obligation. It is decided that the obligation must be fulfilled by the canon of St. Ansano.

413 Cassanian. Concerning rights. Different rights are to be clarified by the sentence of the Sacred Congregation.

467 Anagninian. Concerning jubilation [a feast day]. The grace of jubilation is granted.

484 Caietan. Concerning the erection of a holy well. The erection of the well is granted according to the petition.

492 Fesulan. Concerning a pension granted by the patron. The pension is granted according to the petition.

513 Brixian. Concerning rights. Controversies concerning the rights of chaplains regarding the care of souls are settled.

526 Osnaburgen. Doubts concerning the perception of the fruits of benefices.

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[*Latin ed. p. 763*]

SUMMARY. Syracuse. – Concerning the division of a parish. The judgment of the archiepiscopal court regarding the division of a parish is con-

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firmed.

Bordeaux. – Nullity of marriage. The previous judgment concerning the nullity of a marriage due to lack of consent is confirmed.

Nullius. To Lucy. – Concerning the power to confer orders or to grant dispensations. This power does not belong to the Abbot of Saint Lucy, but is graciously granted to the present Prelate.

Mechlin. – Nullity of marriage. From the newly presented information, it is not established, neither concerning the nullity of the marriage, nor concerning a marriage that is valid and not consummated.

Treviso. – Concerning the collation of benefices. Grace is granted for the alternative collation of benefices between the Bishop and the Chapter, as well as for the extension of vacations to three months.

From the Sacred Congregation for the Propagation of the Faith. A decree whereby the Brothers of the Christian Schools are denied the faculty of teaching the Latin and Greek languages in their schools.

A decree whereby the Mission of Urubamba in the Republic of Peru is assigned to the Order of Preachers.

A decree whereby norms are given for the proper celebration of Mass on ships.

Doubt. Can a fetus, conceived outside the womb, ever be extracted before its term?

ACTS.

Doubt concerning the alienation of ecclesiastical goods for religious institutes of simple vows.

Doubt concerning the celebration of Mass on ships.

Indult for the translation of the solemnity of the Titular Feast for the United States.

From the Sacred Congregation of Rites.

Doubt concerning a monastery belonging to a Benedictine father.

Rescript concerning the novena of supplication for the greater glory of the Holy Spirit, according to the Encyclical Letter "Divinum illud munus."

Several doubts concerning Masses for the dead, and other matters.

Decree of beatification of the Venerable Servants of God Apollinaris de Almeida, Bishop of Nicaea, and others.

Decree of beatification and canonization of the Venerable Servant of God Maria Salesiae Ghappuis.

Decree of beatification and canonization of the Venerable Servant of God John Martin Moye.

Decree of beatification and canonization of the Venerable Servant of God Sister Mary of Saint Euphrasia Pelletier.

Doubt concerning the translation of the feast day of Saint John Baptist

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de La Salle.

Doubt concerning the custom of reading, instead of singing, on Fridays.

[*Latin ed. p. 764*]

764 SUMMA ACTORUM concerning the ceremonies of the Lord's Supper and the Holy Saturday in parish or subsidiary churches.

106 Various questions proposed by the Masters of Ceremonies of Queretaro.

107 A question regarding the singing of the Sacred Office in the chapel of the ship, recently declared public.

107 Rescript. It is permissible to observe certain secondary feasts after the respective primary feasts of the same rite.

Decree of beatification and canonization of the Venerable Servant of God, Mary Michael of the Most Holy Sacrament.

164 Decree confirming the cult, from time immemorial, of the Servant of God, Andrew Abellon, Priest of the Order of Preachers, now called Blessed.

167 Decree of beatification and canonization of the Venerable Servant of God, Mary Michael of the Most Holy Sacrament.

- Information regarding a question concerning whether a commission for the introduction of a cause should be signed, in case and for the effect of what is being discussed.

170 Rescript extending the Decree of July 18, 1902, to other churches, according to the manner [specified].

255 Questions. A minister, even if a cleric, what may he do in the Mass with singing among the Capuchins?

291 Decree of beatification and canonization of the Venerable Servant of God, Mary Michael of the Most Holy Sacrament, Foundress of the Sisters of the Most Holy Sacrament and of Charity.

292 Question. Does the Dignity of the Chapter have the right to have a priest assisting during a plenary indulgence, when the Bishop is celebrating?

370 Rescript concerning a certain rule to be observed regarding the observance of the Brief concerning canonical indulgences.

371 Questions concerning the custom of thurification, etc.

Constitutions of the Historical-Liturgical Commission.

372 Questions regarding certain customs proposed by the Masters of Ceremonies of Queretaro.

374 Decree of beatification and canonization of the Venerable Servant of God, Julia Billiart, Foundress of the Congregation of the Sisters of the Blessed Virgin Mary.

375 Decree of beatification of the Venerable Servant of God, John Eudes.

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378 Decree of beatification of the Servants of God, Theresa of St. Augustine and her companions.

382 Decree. It is permitted that, for the readings hitherto used in common, proper historical readings may be recited.

422 Question. Are chaplains or fixed priests, who reside among the Brothers of the Christian Schools, obliged on the feast of St. John Baptist de La Salle to recite the proper office?

424 Warning regarding various questions.

426 Decree of beatification and canonization of the Venerable Servant of God, Mary Michael of the Most Holy Sacrament.

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[*Latin ed. p. 765*]

SUMMARY: A question regarding the concurrence of the Vespers of the Holy Family with the First Vespers of the Most Holy Crown of Thorns.

614 Decree granting a new edition of the Roman Missal for the Church of Lyons.

615 Decree approving a new edition of the Roman Martyrology.

616 Decree confirming the custom of the Carmelites of singing the Mass of the Blessed Virgin Mary on Saturdays.

617 Decree granting the Office with Mass of the Manifestation of the Resurrected Christ for the Shrine of Nicopolis.

618 Decree approving four votive Masses proper for the Shrine of Nicopolis.

619 A question regarding the concurrence of the Postcommunions of the Most Holy Perpetual Help and of Felicity with a feast day.

620 Rescript prohibiting women from singing at solemn Masses.

621 A question regarding the blessing of houses on Holy Saturday.

622 Rescript: Lay societies accompanying a funeral procession must follow the coffin.

623 A question regarding the privileges of a chapel in a seminary.

624 Rescript: The custom of singing Lamentations, etc., with the sound of an organ and other instruments is not tolerated.

625 Rescript: The practice of exhibiting certain images for the veneration of the faithful on certain days, especially on Holy Thursday, is condemned.

626 Decree "Of the City and the World" adding the new invocation "Mother of Good Counsel, pray for us" to the Lauretan Litany.

627 A question regarding the translation of the external solemnity of the titular saint.

691 Decree granting a special indulgence to the Work of Expiation of Montligeon regarding the celebration of a Mass for the repose of the soul.

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692 Questions regarding the offices to be performed in the choir or in the chapter by a canon of higher rank or seniority.

693 Questions regarding the inclination of the head and the Preface in the Mass.

694 Decree of beatification and canonization of the Venerable Servant of God Peter Joseph Formet, known as a hermit.

695 Decree of canonization of Blessed Mary Anne of Jesus of Paredes.

697 Decree of beatification and canonization of the Venerable Brother Benildus, of the Congregation of the Brothers of Christian Schools.

698 Decree of beatification and canonization of the Venerable Servant of God Mary Magdalene Postel.

733 Decree of beatification and canonization of the Servant of God Joseph Cafasso, Secular Priest of Turin.

737 Decree of beatification and canonization of the Servant of God Paula Frassinetti.

738 Rescript: Alumni of the Society of Missionaries of Saint Joseph shall celebrate Mass.

[*Latin ed. p. 766*]

SUMMARY OF ACTS 766 and the Office of St. Thuribarius, to be celebrated under a double rite of the second class 738. Doubts concerning liturgical matters are proposed and resolved 739. General Decree – Concerning Votive Masses 741. Decrees of Several Dioceses. A doubt concerning the Decree "of the City and the World" of December 9, 1895, regarding the obligation of celebrating Mass according to the calendar of the Church in which it is celebrated 747. Doubt. Regarding the Nocturn to be recited on the day of Ordination 748. Decree "of the City." Various doubts concerning the Nocturn on the day of Ordination and concerning the concurrence of several Commemorations 749. Doubt. Whether a gray-colored *pileolus* (small cap) can be used by lay members at funerals 750. *From the Sacred Congregation for Indulgences and Sacred Relics*. A doubt concerning a privileged altar, when it is made of wood 62. A doubt concerning the gaining of the indulgences granted to the Secular Third Order of St. Francis 63. General dispensation concerning the stations of the Most Holy Way of the Cross 163. Rescript concerning the manner of performing the exercise of the Way of the Cross in the chapels of pious women 254. A doubt concerning the indulgences to be gained by the deaf and mute 570. Doubts concerning the practice of the Living Way of the Cross 630. Summary of the Indulgences granted to the Arch-Confraternity of the Holy Scapular of the Blessed Virgin Mary, Mother of Consolation, of St. Augustine, and of St. Monica. Rescript concerning the granting of the Sabbath privilege to Mission Priests 635. Decree concerning the absolutions and benedictions of Tertiary Nuns 636. An Indult is granted concerning the Papal Benediction

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for Tertiary Priests 637. A doubt concerning the interruption of Novitiates by a temporary deposition of the habit. Doubts concerning the transfer of Tertiary members and their Moderators from one obedience to another 639. A doubt concerning the indult of a privileged altar 639. Rescript concerning the Confraternities of the Blessed Virgin Immaculate in France 701. Decree "of the City and the World" concerning the indulgences granted to those who recite the prayer "O Jesus, my Savior and Redeemer, etc." 702. Rescript concerning the decree concerning the benedictions and absolutions of Tertiary Nuns 704. Rescript by which an Indulgence of 300 days is granted to those who recite the prayer "O glorious St. Blaise, etc." 751. *From the Sacred Congregation for Extraordinary Ecclesial Affairs*. Decree by which the Bishop of Tlascala is granted the faculty to receive ap-

[*Latin ed. p. 767*]

SUMMA: Petitions from Caria de Antequera, 640. Decree concerning the erection of the Apostolic Prefecture "La Intendencia Oriental" in the Republic of Colombia . . . . . 752.

FROM THE CEREMONIAL DECREE: Decree concerning the Rectors of Churches in the City, 119. Doubts concerning the rights and□□□ honors to be observed for Cardinal Fathers. . . 247. Decree by which certain norms are presented to Cardinal Fathers for the more splendid celebration of sacred rites, 249.

FROM THE APOSTOLIC PENITENTIARY: Doubt concerning processions during the Jubilee Year . . . . . 43.

ACTS: 767. Doubt concerning the age of a woman for matrimonial dispensations. Doubts concerning the acceptance of confessions from Religious of various Orders, 369.

MINOR DECREES OF THE HOLY SEE: Decrees of the Holy See, even if obtained from excommunicated individuals, are valid only for the forum of conscience . . . . . 754.

FROM THE VICARIATE OF THE CITY: Notification concerning Christian democracy, by order of His Holiness, 289. Notification by which the Most Reverend Cardinal Vicar condemns heretical and perverse publications, specifically "L'Asino," 755.

[*Latin ed. p. 768*]

"IMPRIMATUR" granted by Father Albert Lepidi, of the Order of Preachers, Sacred Preacher, with the approval of the Most Reverend.

"IMPRIMATUR" granted by Joseph Ceppetelli, Archbishop of Myren, Vice-gerent.

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